



10 May 2023

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

Committee Members: Aldermen – T Campbell and J Smyth

Councillors – A Bennington, H Cushinan, S Flanagan,
R Kinnear, R Lynch, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 15 May 2023 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be available from 5.00 pm

For any queries please contact Member Services:

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AGENDA FOR PLANNING COMMITTEE – MAY 2023

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2022/0978/F

Proposed industry-led research facility, roof mounted PV panels, car parking and associated site works, access arrangement and other associated operational development approximately 35m to the north of Unit 1 (RLC Global Point) Global Point Avenue, Newtownabbey, BT36 5TB.

3.2 Planning Application No: LA03/2022/0381/O

Site for residential development for up to 42 dwellings, access road and landscaping scheme at Land 30m east of 6 Grange Lane south of Hyde Park Grange with access from Hyde Park Road, Mallusk.

3.3 Planning Application No: LA03/2023/0112/F

Installation of a 15m telecommunications monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development at lands 20m south of No.2 Oakfern, Newtownabbey.

3.4 Planning Application No: LA03/2023/0161/F

Installation of a 18m high telecommunications slim-line monopole, supporting 6 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development at land approximately 5 metres southeast of 8-8A Railway Court, Jordanstown Road and lands opposite 93 Jordanstown Road, Jordanstown

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

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

3.6 Planning Application No: **LA03/2023/0164/F**

Proposed new access, security fencing and entrance gate at Lands at the junction with Long Rig Road and Tully Road, approximately 180m southeast of 2A Long Rig Road, Nutts Corner.

3.7 Planning Application No: **LA03/2022/1064/F**

Demolition and extension to existing dwelling and one additional dwelling and associated site works at 27 Station Road, Randalstown, BT41 2AE.

3.8 Planning Application No: **LA03/2022/0913/F**

Retention of agricultural building (retrospective application) at 50m South-West of 43 Belfast Road, Nutts Corner.

3.9 Planning Application No: **LA03/2022/0715/O**

Site for dwelling and detached garage 85m west of 43 Belfast Road, Nutts Corner.

3.10 Planning Application No: **LA03/2022/1126/F**

Proposed demolition of existing outbuildings and construction of new private dwelling and ancillary garage at approx. 100m northwest of No. 42 Cherry Hill Road, Antrim, BT41 2HT.

3.11 Planning Application No: **LA03/2023/0044/F**

Domestic shed in substitution of double garage approved under LA03/2018/0082/F and increasing the curtilage of the dwelling (Retrospective application) at 25b Ballylurgan Road, Randalstown, BT41 2NR.

3.12 Planning Application No: **LA03/2022/1086/F**

Proposed change of use of existing buildings to farm buildings, and existing hard standing to farmyard 45m west of 10 Tullywest Road, Nutts Corner.

3.13 Planning Application No: **LA03/2023/0041/F**

Extension of residential curtilage, construction of general purpose building incorporating 4 stables, tack-room, dry feed storage and bedding facilities, secure parking area for vehicles including horse boxes, tractors and privately owned cars used for stock car racing, circulation space and parking area for three lorries plus provision of paddock/exercise area for ponies to the rear of 13 Ballyhill Road, Ballyhill Lower, Crumlin, BT29 4TN

3.14 Planning Application No: **LA03/2021/0612/O**

Infill site for 1 no. dwelling and garage under CTY 8 at ands 80m South of 50d Loughbeg Road, Toomebridge, BT41 3TN.

3.15 Planning Application No: **LA03/2023/0197/F**

Retention of a public garden to celebrate the Coronation of King Charles III at former Bowling Green, Hazelbank Park, Shore Road, approximately 60 metres south of 38 Abbeydene Manor, Newtownabbey

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 15 MAY 2023**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2022/0978/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed industry-led research facility, roof mounted PV panels, car parking and associated site works, access arrangement and other associated operational development.
SITE/LOCATION	Approximately 35m to the north of Unit 1 (RLC Global Point) Global Point Avenue, Newtownabbey, BT36 5TB
APPLICANT	Allan Munro, Head of Estates Planning Queens University Belfast
AGENT	JUNO Planning & Environmental
LAST SITE VISIT	20/04/2023
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
F	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0531/PAN Location: Lands at Global Point Business Park, approximately 35m North of RLC Global Point. Proposal: Erection of a 10,490sqm industry-led research facility (Advanced Manufacturing Innovation Centre) Decision: PAN Acceptable.</p> <p>Planning Application: LA03/2022/0290/F Location: Lands at Global Point Business Park, 150m NE of RLC, Global Point Avenue, Newtownabbey, BT36 5PY. Proposal: Proposed metal beverage can manufacturing facility comprising production space (Class B3 General Industrial); warehousing (Class B4 Storage and Distribution); associated office space (Class B1 Business Unit); and staff welfare accommodation. External sprinkler pump house and associated tank; plant equipment and structures; creation of service yards and loading/unloading areas; HGV parking area and main car park; extension of Global Point Avenue (eastern portion) and creation of new entrances; associated landscaping and all associated site works. Decision: Permission Granted (02.09.2022).</p> <p>Planning Reference: LA03/2022/0472/NMC Location: Global Point Business Park, Ballyclare Road, Newtownabbey, BT36 5TB.</p>	

Proposal: Non-material change to planning approved U/2014/0385/RM for 27 buildings and associated infrastructure; realignment to east road and construction of hammerhead to replace turning circle.

Decision: Consent Granted (11.07.2022).

Planning Reference: LA03/2022/0176/F

Location: Land south/east of Global Point Avenue, Global Point Business Park Newtownabbey, BT36 5TB

Proposal: Proposed research and development facility comprising of a mix of design labs, workshops, car bays, vehicle demo garage, HGV garage, technical plant, salt room, staff facilities, ancillary facilities, including access point, car parking, landscaping and all associated site works.

Decision: Permission Granted (07.10.2022.)

Planning Reference: LA03/2022/0177/F

Location: Land south/east of Global Point Avenue, Global Point Business Park Newtownabbey, BT36 5TB

Proposal: Proposed research and development facility comprising a mix of workshops, offices, meeting areas, staff facilities, ancillary facilities, including an additional access point, car parking, landscaping and all associated site works.

Decision: Permission Granted (27.09.2022).

Planning reference: LA03/2022/0337/F

Location: Lands north of Global Point Avenue 100m south west of RLC (UK) Ltd and approximately 220m north east of Corr's Corner roundabout Global Point Business Park.

Proposal: Erection of manufacturing facility with ancillary office, canteen and toilets, access, yards, external storage areas, parking and all ancillary site works and infrastructure.

Decision: Permission Granted (08.07.2022).

Planning Reference: U/2014/0385/RM

Location: Global Point Business Park, Ballyclare Road, Newtownabbey, Co. Antrim.

Proposal: 27No. Buildings and associated infrastructure for Invest NI Industrial Park comprising Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial

Decision: Permission Granted (11/11/2016)

Planning Reference: LA03/2016/0547/DC

Location: Ballyhenry Industrial Park, Ballyhenry, Newtownabbey. BT36.

Proposal: Site for Invest NI Industrial Park comprising Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial. Discharge of Conditions 7 & 8 (Road works) of Planning Approval U/2007/0267/O for Invest NI industrial park

Decision: Condition 7 & 8 discharged (23.09.2016)

Planning Reference: U/2007/0267/O

Location: Ballyhenry Industrial Park, Ballyhenry.

Proposal: Site for Invest NI Industrial Park comprising Class B1 Business, Class B2 Light Industrial and Class B3 General Industrial.

Decision: Permission Granted (05/01/2008).

Planning Reference: U/2014/0388/RM

Location: Site 3 Global Point Business Park, Ballyclare, Newtownabbey
Proposal: industrial portal framed building containing production areas with ancillary office and plant space for precision engineering manufacturing, along with a service yard, car parking and landscaping at Site 3, Global Point Business Park.
Decision: Permission Granted (16/03/2015)

Planning reference: LA03/2018/0176/F

Location: Site approximately 35m to the NW of RLC Global Point (Northern Ireland) Global Point Business Park, Corrs Corner, Ballyclare Road, Newtownabbey Co Antrim BT36 5PY.

Proposal: Construction of new 2 storey office building with car parking and site works

Decision: Permission Granted (22.10.2018)

Planning Reference: U/2009/0096/F

Location: Global Point International Business Park, Ballyhenry, Newtownabbey.

Proposal: industrial estate access roads, footways, bridge and other infrastructure at Global Point International Business Park.

Decision: Permission Granted (11/01/2010)

Planning Reference: U/2004/0104/F

Location: Global Point Business Park, Ballyhenry, Newtownabbey, BT36

Proposal: Construction of access/bus roads with associated services including 1 No bus shelter.

Decision: Permission Granted (10/06/2004)

Planning Reference: U/2001/0119/O

Location: Global Point International Business Park, Ballyhenry, Newtownabbey.

Proposal: Business and industrial park incorporating Class 4 (light industrial), and class 11 (storage or distribution) and an ancillary support service centre to include retail (max 5000sq.ft), crèche and fitness facilities.

Decision: Withdrawn (29/03/2007)

Planning Reference: U/2001/0096/F

Location: Global Point International Business Park, Ballyhenry, Newtownabbey

Proposal: Erection of a Contact Centre/Class 4 Light Industrial Unit totalling 104,000 sq.ft. (incorporating 24,000 sq.ft. mezzanines) and including associated access and landscaping.

Decision: Permission Granted (15.01.2003)

Planning Reference: U/1999/0211/F

Location: Land north east of Corrs Corner and bounded by Belfast Road, railway line and Uppertown Drive.

Proposal: Bulk earthworks to construct development platforms for industrial use, diversion of Three Mile Water, landscaping and construction of new river corridor and landscaping of peripheral earth bunds. Land north east of Corrs Corner and bounded by Belfast Road, Railway Line, Uppertown Drive and New Mossley, Newtownabbey.

Decision: Permission Granted (29/11/2000).

Planning Reference: U/1998/0560/F

Location: land to the north east of Corrs Corner bounded by disused railway line, new Mossley and old Mossley.

Proposal: Perimeter works to industrial park, including earth mounding, planting and first phase of cycleway/path.

Decision: Permission Granted (04/03/1999).

Planning Reference: U/1997/0553/F

Location: Land to the North East of Corrs Corner, Newtownabbey.

Proposal: Preparation of industrial estate including site development works, access roads and associated landscaping.

Decision: Permission Granted (16/07/1998).

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of the Belfast urban area. The plan designates the application site as being within an area for 'Industry and Commerce'. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan zones the site as part of the larger Global Point zoning for employment and industry policy ref. MNY 07 (Map 2a). The plan also identifies the site as being a Major Employment Location (MEL) (Map 2b). The plan outlines a number of Key Site Requirements (KSRs) for this zoning including:

- Development shall only include the following uses within the Planning (Use Classes) Order (Northern Ireland) 2015:
 - Light industry,
 - General industry
 - Storage or Distributions Uses,
 - Special industrial uses
 - Business use.
- The total amount of floor space for business use shall not exceed 3,000sqm (gross).
- Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department.

This shall outline the design concept, objectives and priorities for the site. The zones A and B identified on Map No. 2b – Global Point/Ballyhenry MEL shall be incorporated into the masterplan to include the following elements: -

- Zones A and B shall be developed as a Business Park within a generous landscape setting. Buildings shall be a maximum height of 2 storeys;
- Access to Zone B of the site shall be from the Doagh Road to be agreed with Roads Service DRD. Access to Zone A of the site shall be from the existing access point on the Ballynure Road only;
- A Transport Assessment (TA), agreed with Roads Service DRD, shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area. In addition to the need for a TA, and the requirements identified therein, an initial assessment of this specific development site indicates that as a minimum the following improvements shall be required:-
 - improvements to the Doagh Road, along the site frontage, will be dependent on the access location for the northern portion of the site;
 - the provision of a new access for the northern portion shall be in accordance with the Department's visibility requirements;
 - new and improved pedestrian and cycling links from the site to existing nearby public transport facilities shall be required in order to maximise the use of these facilities;
- A Flood Risk Assessment of the watercourses within and adjacent to the site shall be carried out and submitted to the Department to inform proposals for the development of the site as part of the site may lie within the 100-year floodplain of the Three Mile Water;
- Buildings shall exhibit variety in their elevational treatment and heights and particular consideration shall be given to views into the site;
- The two upstanding raths in the site shall be retained in situ with provision of landscaping around them to safeguard their setting;
- A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department, and shall include the following: -
 - The northern, eastern, southern and western boundaries of the site shall be retained and landscaped with a 5-10 metre belt of trees and planting of native species to provide screening for the development;
 - The results of a comprehensive survey identifying trees, hedgerows, and other vegetation to be retained and incorporated into the proposed development;
 - A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and provision of high quality landscaping proposals within the site; and
 - Positive long term landscape management proposals shall be required to protect and maintain the landscaping and features of natural heritage. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements.

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

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

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

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

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

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

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

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.

CONSULTATION

Council Environmental Health Section (EHS)

No objection subject to noise and contaminated land conditions.

Council Shared Environmental Services (SES)

No objection subject to conditions.

Northern Ireland Water

No objection.

DfI Roads

No objection subject to conditions.

DfI Rivers

No objection subject to conditions.

DfC Historic Environment Division Historic Monuments (HED:HM)

No objection subject to archaeology conditions.

DfC Historic Environment Division Historic Buildings (HED: HB)

No objections.

NIEA Natural Environment Division (NED)

No objection subject to conditions.

NIEA Regulation Unit

No objection subject to conditions.

NIEA Water Management Unit (WMU)

No objections subject to conditions.

NIEA Drinking Water Inspectorate

No objection

Belfast International Airport (BIA)

No objections.

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:

- Preliminary Matters
- Rational for the Development
- Policy Context and Principle of Development
- Solar Panels
- Design, Layout and Appearance
- Neighbour Amenity
- Compatibility with Adjacent Land Uses
- Flood Risk
- Natural and Built Heritage
- Road Safety, Traffic, Parking and Transport Issues
- Crime and Personal Safety
- Emissions and Effluent Disposal
- Economic Impacts
- Other Matters

Preliminary Matters

Environmental Impact Assessment

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

Pre-Application Notice

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

To comply with the pre-application notification requirements of Section 27 of the Planning Act (NI) 2011 the applicant submitted a Proposal of Application Notice (PAN) on 15th June 2022 (ref: LA03/2022/0531/PAN). Residents within a 500 metre radius of the site were provided with details of the proposed development and advised of the public consultation event held in the Corrs Corner hotel (01/08/2022) and an online consultation event. Elected Members for the District Electoral Area, relevant MPs and MLAs, residents and local businesses were included in the consultation. No comments or objections were received from members of the public during the consultation period. The planning application was received following expiration of the 12-week period following submission of the PAN thus satisfying the requirements of Section 27 of the 2011 Act.

Rationale for the Development

The applicant indicates that the proposed research facility will incorporate a QUB Advanced Manufacturing Innovation Centre (AMIC) in line with the Belfast Region City Deal.

The Belfast Region City Deal has presented a platform for partnership that has allowed industry, academia and government to work together to develop a shared vision for advanced manufacturing in Northern Ireland. AMIC (Advanced Manufacturing Innovation Centre) is the resulting investment proposition to deliver that vision through a network of facilities that bring coherence and focus on key regional R&D strengths. The AMIC's main capability is to be provided via a new Factory of the Future facility (AMIC Factory of the Future) that will be equipped with state-of-the-art equipment specified by industry to support multiple industries, sectors and technologies in their digital transformation and in addressing major industrial challenges. The Factory of the Future will also house existing innovation Centres, namely, the Northern Ireland Technology Centre and the Polymer Processing Research Centre thus consolidating existing assets and focusing on the delivery of services to industry.

The AMIC will provide the springboard for manufacturing innovation in Northern Ireland, providing a specialised environment for Advanced Manufacturing and Engineering sectors to access the very latest manufacturing technology and industry 4.0 smart automation, supported by experienced, professional engineers and a state-of-the-art 'Factory of the Future'.

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.

A number of decisions taken by the Planning Appeals Commission indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance cannot be placed on specific policies of the draft Plan to refuse development proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. BUAP also indicates that the site is zoned for industry and commerce while dBMAP zones the site as part of the larger Global Point zoning for employment and industry policy ref. MNY 07 (Map 2a). The plan also identifies the site as being a Major Employment Location (MEL), therefore, having regard to the location of the application site including its planning history, the proposed development is considered to accord with the various plan zonings.

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 consideration of the proposal:

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

Policy PED1 of PPS4 is entitled 'Economic Development in Settlements'. In respect of business, general industrial, storage and distribution uses, it states that they will be permitted in an area specifically allocated for such purposes in a development plan or in an existing or proposed industrial/employment area subject to certain provisions. As stated above, the application site is located on land zoned/allocated for employment/industrial uses in the draft BMAP. In addition, one of the Key Site Requirements for this zoning allows for Business Uses within zone B of the Global Point site. An additional Key Site Requirement states that the total amount of floorspace for business use shall not exceed 3,000sqm.

The proposed building has a footprint of 7,671sqm and a total floorspace of 10,490sqm will be created within the proposed development. The applicant considers that this development falls under use Class B1: Business, Part C – for research and development which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, as set under Part B- Industrial and Business Uses of the Planning (Use Classes) Order (Northern Ireland) 2015.

The floorspace of the building is broken down into an engineering hall of 4,500sqm to the south, laboratory, and clean room spaces of 1,185sqm to the north, entrance, collaboration, social and education spaces over 2 floors of 1,059sqm to the east and workplace of 1568sqm at first floor level to the north.

While the proposed floorspace of the AMIC building is above the indicative threshold suggested within draft BMAP's Key Site Requirements (KSR's) for a business use class, it is considered that the proposed AMIC development will not prejudice the overall plan zoning. Having regard to the advanced manufacturing and engineering nature of the development and how a similar facility operates in Sheffield this development is likely to act as a magnet and catalyst to attract other industrial and employment uses to this area to consolidate Global Point as a Major Employment Area. In addition, while the proposed development is indicated to be for a Class B (c) Business Use, it is also considered to be closely related to and inclusive of light industrial uses, which are supported by the KSR's for Global Point.

In the round, having regard to the planning history of the site and the various plan zonings and the nature of the proposed uses, it is considered that the principle of development is acceptable subject to the development complying with the general criteria to be applied to economic development proposals as set out in Policy PED9 of PPS4.

Solar Panels

The proposal also includes 260 solar panels on the roof of the building extending to 702m². These panels have a generation capacity of 75.42 MWh/annum.

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

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

Further to policy set out by PPS18, paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted. The issues raised within Policy RE 1 of PPS 18 are discussed further below.

Design, Layout and Appearance

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

The building is arranged as three linear 'pavilions' running east/west separated by linear glass roof lights and vertical glass slots in elevation. The south and central pavilions contain the open engineering hall and reception functions. The north pavilion contains all building services both at roof level and at a dedicated intermediate level within the building on plan. A 2.7m high parapet to this pavilion at roof level helps conceal plant from view to allow its principal elevation to present a clean public frontage to Global Point Avenue. This frontage is a consistent dark zinc cladding finish to its upper sections with a similarly dark glass reinforced concrete (GRC) cladding at ground floor. The footprint has a set back at its eastern end to create a landscaped plaza where a glazed ground floor and canopied recess signals the building entrance. A continuation of the GRC ground floor walling continues east into the landscape to form a security line wall between public and private functions and integrate covered bicycle parking adjacent to the entrance.

The southern frontage is 138m long (including the entrance element) and 13.7m in height. The applicant indicates that the proposed dark materials and clean, crisp detailing have been selected to allow the building to convey a restrained yet high quality appearance that both blends with the manufacturing facilities on site but sets it apart to express its difference as a research facility.

The applicant indicates that dark zinc and GRC materials have been selected to give an engineered appearance. The dark materials are designed to counterpoint a warm entrance with high quality wood finishes that then gives way to contrasting clean white materials within. The applicant further states that the dark materials will allow the building to be discreet quietly signalling its privacy and security. A glazed frontage and welcoming entrance plaza mark the entrance with a mixture of hard and soft landscaping. A 65sqm covered entrance area is created by a set-back in the building. It is proposed that the entrance plaza will act as a display space for some of the products manufactured by the facility.

The applicant advises that the layout of the site has been designed to utilise the land available. To maximise the most efficient use of the land, the design includes the realignment and relocation of the approved estate road and roundabout to the west of the site. The application proposes to realign the existing roundabout and proposed route for the western boundary road to create and preserve future expansion space for the AMIC facility. This road will provide a separate access point for deliveries and services and provide access to the loading bay to the northern side of the building. All building and process plant for the buildings function is arranged to this northern side. The AMIC building screens this from public views. External plant enclosures for incoming supplies and material sorting or recycling are arranged to the northern boundary. To distinguish the different function of the north pavilion, this element is clad in a contrasting silver profiled cladding.

The main access to the site will be via Global Point Avenue, accessed off the Corrs Corner Roundabout. Staff, visitor, and ancillary access is to the south of the site, where the main car parking is provided. The existing road network within the Global Point Business Park, has been subject to a Transport Assessment, to show the capacity of traffic generation the site can accommodate.

In terms of height, scale and massing the proposed building is considered acceptable within the context of the Global Point site.

On the eastern side of the application site the landscaped area has been developed to include a large public entrance plaza which can also act as an exhibition space. A breakout area for the Café has been incorporated adjacent to the existing watercourse and ecology area. Existing scrub and trees along the northern boundary of the site are to be retained and augmented with new feathered tree specimens within gaps and the addition of habitat piles created from trees that need to be felled.

In addition, the eastern side of the site is proposed to be supplemented by new planting and an 'ecology walk' at the north-eastern corner which aims to provide attractive natural amenity for the health and wellbeing of the building staff and visitors. Along the northern boundary the applicant proposes additional trees at extra heavy standard size and feathered specimens while within the fenced enclosure, around the car parking and amenity areas the applicant indicates that species will be chosen for high amenity value, restricted crown spread, etc. such as white birch to contrast with the dark building façade and fastigiated field maples to avenues etc.

Proposed structured shrub planting will include a range of species of high amenity value and a long flowering period of interest to pollinators/invertebrates because of their extended flowering periods. Formal hedges of mixed native species are proposed along the southern, western and eastern boundaries. The predominant species will be hawthorn with minor species such as holly, hazel, birch and rowan.

The applicant also indicates that most of the grass areas on site will be 'species-rich' consisting of a mix of grass and wildflower seeds which produce a sward requiring about 50% of the mowing demands of amenity grassland, significantly reducing maintenance requirements. Where more hardwearing grass areas are required e.g. on the close mown grass 'paths' through the species-rich grass areas, these will be sown out in a robust dwarf ryegrass mix. In terms of the visual impact associated with the solar panels the applicant proposes an expansive solar array on the roof of the proposed building. The solar PV array spans to 702 square metres.

Policy RE 1 of PPS 18 indicates that development which generates energy from renewable sources will be permitted where there will not be an unacceptable adverse impact on visual amenity and landscape character. Having regard to the location of the development and the nature of surrounding land uses and the design of the building it is anticipated that there will be no significant effects on the landscape from the development as a whole, including solar panels to the roof. The proposed solar panels have been designed to sit close to flush with the roof pitch to reduce the overall visual impact and have been designed to mitigate glint and glare as the PV panels have been indicated to be dark in colour with non-reflective glass or non-reflective coating. The panels are not readily visible on the building itself owing to the parapet walls.

Overall the design, layout, appearance and landscaping of the building including its scale and massing are considered to be sympathetic to its surroundings and will sit comfortably with the adjacent RLC (UK) Ltd building and the proposed building which were granted planning permission for Ardagh and Sensatta.

Neighbour Amenity

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

The applicant has submitted a Noise Impact Assessment (NIA) prepared by F.R. Mark & Associates, Document No.11, stamped 28 Oct 2022. The NIA advises that the purpose of equipment within the engineering hall of the development is to test and develop the processes of the plant and equipment rather than to manufacture goods. Therefore, the usual expected activity of 'goods in/goods out' marshalling/delivery movements associated with traditional manufacturing units, will not apply within this development site. The NIA gives the typical hours of operation of the development as between 08:00 and 20:00 hours although it notes that on limited occasions, some plant and processes may run throughout the night time period.

A noise survey was undertaken near residential properties at Milewater Close on Tuesday 8th February and Wednesday 9th February 2022 in order to determine the existing background noise levels. The survey covers 4 hours during the day and 2 hours during the night. The Council's Environmental Health Section (EHS), in an earlier Pre-Application consultation response (Ref: LA03/2022/0355/PAD) dated 14 June 2022, indicated that only a short survey has been undertaken and sought further monitoring to be undertaken in order to reduce uncertainty within the assessment. The NIA now references other noise surveys undertaken by another consultancy for applications on the surrounding grounds.

The submitted NIA presents a target noise level for day time hours of 44 dB LAr,1 hour and a target noise level for night time hours of 36db LAr,15mins. The NIA states that the 'worst case' cumulative impact from the proposed development during day time hours will be 39dB LAr and indicates that as this is below the existing daytime background noise level, the proposed development will have a low impact.

The Council's Environmental Health Section (EHS) has reviewed the NIA and has concluded that the proposed development can operate without adverse impact on nearby residential amenity subject to noise control conditions.

The applicant has submitted Contamination Assessment, Preliminary Risk Assessment (PRA) and Generic Quantitative Risk Assessment (GQRA) prepared by Pentland Macdonald, Document No. 07, stamped 'Planning Section Received 28 Oct 2022'. The applicant has also submitted a Remediation Strategy, prepared by Pentland Macdonald, Document No. 09, stamped 'Planning Section Received 28 Oct 2022'.

With regard to the PRA & GQRA an intrusive investigation was undertaken during January –March 2022 by Causeway Geotech Ltd as part of a combined geotechnical and contaminated land investigation. The intrusive works comprised 5 no. deep boreholes, 5 no. shallow boreholes, and 8 no. trial pits. Soil samples were taken at all boreholes and trial pit locations (18 no. samples). Ground water samples were taken from all boreholes other than BH07 and ground gas monitoring was undertaken at all boreholes on 4 occasions.

Generic Assessment Criteria (GAC) applicable to a commercial setting were selected in order to reflect the proposed use of the site. The concentrations of all of

the potential contaminants within the soil samples analysed fell below the relevant GAC with the report considering that soils at the site are not of reduced quality with regard to a proposed commercial end use and as a result do not pose an unacceptable risk to future site users/environmental receptors.

No elevated concentrations of potentially volatile contaminants were detected in the groundwater samples analysed with the report considering that groundwater at the site does not pose an unacceptable risk to future site users. The ground gas regime at the site is classed, as a worst case scenario, as Characteristic Situation 2 (CS2), Low Risk, due to the presence of elevated levels of methane and carbon dioxide which could pose a risk to human health. Methane gas could also pose an unacceptable risk to the proposed buildings. A categorisation of CS2 would require the incorporation of gas protection measures into the proposed building.

The report concludes that an unacceptable risk could be posed to human health due to the presence of elevated concentrations of methane and carbon dioxide ground gases, while the presence of elevated concentrations of methane could also pose an unacceptable risk to the proposed building. The Remediation Strategy outlines the measures which should be implemented at the development site in order to fully mitigate the identified risks to human health and the proposed buildings.

The report states that it will be necessary to install gas protection measures in all proposed buildings at the site in order to negate the potential ingress of methane and carbon dioxide ground gas. Both EHS and NIEA Regulation Unit (RU) have reviewed the applicant's Preliminary Risk Assessment, agree with its conclusions and provide standard contamination conditions which are considered necessary and reasonable. It is concluded that there is no significant contamination risks to nearby sensitive receptors as a result of this proposal.

Compatibility with Adjacent Land Uses

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

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

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

The application site is bounded by cleared land forming part of the wider Global Point Business Park to the north, south and east. RLC Ltd is the only industry/business currently located within the Global Point site, RLC Ltd has been neighbour notified and has not raised any objection to the proposal. The applicant considers that the proposed development is compatible with surrounding land uses.

Further to site inspection and having regard to the nature of this proposal, it is considered that there are no sensitive industrial enterprises in this area that would be significantly impacted as a result of this development, it is also unlikely that the

proposed development will have a significant impact on the future operation of any existing or proposed uses within this immediate area or prejudice their future operations.

With regard to impact on residential properties, it is considered that this site is sufficiently far removed (290m) to ensure that there is no significant impact on residential amenity. The existing RLC Ltd development and the recently approved developments (Ardagh, Sensatta and Steel Mac) to the east and south of the Global Point Business Park, in addition to the separation distance and existing natural buffer, ensure that residential amenity is not adversely impacted by the proposed development.

EHS has also been consulted and has raised no significant concerns with the compatibility of this development to the nearest residential receptors. It is therefore considered that the proposed development is compatible with the adjacent residential properties. Overall it is considered that the proposed development is compatible with existing and approved uses in this area.

Flood Risk

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

DfI Rivers Planning Advisory Modelling Unit (PAMU) has considered the proposal in line with the current Revised Planning Policy Statement 15 "Planning and Flood Risk" dated September 2014. DfI rivers has considered the applicant's Flood Risk & Drainage Assessment from McCloy Consulting dated June 2022.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse bounds the east of the site and traverses the north-eastern portion of the site. DfI Rivers advise that the site may be affected by undesignated watercourses of which they have no record. DfI Rivers have advised that while not being responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions. In addition, there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse bounds the east of the site and traverses the north-eastern portion of the site. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. DfI Rivers has advised that the working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

A review of the submitted Drainage Assessment has been carried out by DfI Rivers and while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. The applicant

has already received a Schedule 6 Consent to discharge a maximum of 25.45 l/s of storm water runoff from the proposed development to the undesignated watercourse located adjacent to the site's eastern boundary.

DfI Rivers also indicate that the Drainage Assessment is a preliminary drainage design and requests that the Council includes a condition as part of the grant of any planning permission for a final Drainage Assessment and drainage design to be submitted to the Council in order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere. This condition is not considered necessary, however, an alternative condition is suggested (Condition No. 17) requiring the development to be carried out in accordance with the Drainage Assessment/Design provided, as this provides certainty regarding flood risks. Should the drainage regime require a future amendment then the applicant has the opportunity to apply for a variation of condition to address any post planning consents that may have an impact on the approved scheme.

Natural and Built Heritage

PED 9 criterion (c) requires development proposals not to adversely affect features of the natural or built heritage. Policy RE1 of PPS18 reiterates this position stating that development that generates energy from renewable sources will be permitted provided the proposal will not result in an unacceptable adverse impact on biodiversity, nature conservation or built heritage interests.

In terms of impact on listed buildings there are no listed buildings within the application site, however, it is within proximity of Mossley Mill. (HB21/04/009). HED (Historic Buildings) has considered the impact of the application on the listed building (HB21/04/009- Mossley Mill a, Grade B2 listed building and based on the information provided, advises that the proposal is sufficiently removed in situation and scale of development as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Overall, It is considered that the application site is sufficiently far removed from historic buildings within the area to have any significant impact upon them. In addition, it is likely that the proposed development will be screened by the intervening approvals within the Global Point site once they are complete and as such it is unlikely that there will be any significant impact on the historic buildings within the locality.

HED (Historic Monuments) notes that the application site was subject to archaeological excavations in 1999 and 2000. These excavations fully resolved the archaeological potential of the current application site, and on this basis HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Therefore it is considered that there are no significant archaeological concerns with the proposal.

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

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

- Doc 05 - Arboricultural Impact Assessment (AIA)
- Doc 12 - Preliminary Ecological Appraisal (PEA).
- Doc 12/1- Preliminary Ecological Appraisal Jan 2023
- Doc 13 - Assessment of Bat Roost Potential
- DOC 16 – Stream Review.

NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests (Habitats, and Protected Species) and, on the basis of the information provided, has no concerns subject to conditions relating to vegetation retention and adherence to a Construction Environmental Management Plan. NED advise that they are content that the PEA has covered the full extent of the red line boundary area and that no protected and priority habitats or species were recorded on site.

NED note from the PEA that one beech tree along the western boundary line was assessed by the ecologist to have moderate bat roost potential (BRP). Bats are a European Protected Species under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). NED note from the BRP report that the ecologist investigated the tree under license. The ecologist states that the cavity, originally thought to have moderate potential, was damp, exposed to the elements and did not contain evidence of bats. The tree was therefore downgraded to having low BRP.

The ecologist recorded a magpie nest within one of the willow trees along the stream corridor. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August, or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.

NED are content with the assessment of the BRP. Following BCT guidelines, trees assessed as having negligible or low BRP do not require further bat surveys before they can be felled therefore NED are content that the felling of trees on site will not have a significant impact on bats and no further bat survey work is required.

NED note from the landscape plan (Drawing No. 18) the proposed planting of new trees and native grasses in order to enhance the biodiversity value of the site. NED welcomes retention of vegetation where possible and proposed additional planting of native species, and refers the applicant to the following guidance (<https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>). NED recommends a condition of any planning approval that trees and hedgerow shall be retained as indicated on submitted drawings.

NED acknowledge receipt of the outline Construction Environmental Management Plan (oCEMP) (Document 21) and has considered the impact of this development on designated sites as construction works are proposed within 5m of a stream on site which is hydrologically connected to Three Mile Water Site of Local Nature Conservation Interest. NED has assessed the submitted oCEMP and are content with the mitigation measures outlined to protect wildlife and minimise the impacts to the aquatic environment. NED welcomes the proposed planting of species that will benefit declining pollinator populations as outlined in paragraph 6.3.3.1.

NED note section 8.3.1 of the oCEMP states that wheel washing and areas of refuelling will be located "away" from the watercourse. NED recommends that during construction, a buffer of at least 10m must be established and maintained between the field boundary and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Based on the submitted information, NED is content with the proposal, subject to the following conditions one of which requires the applicant to implement the oCEMP in full during the construction phase of development. It is noted that both NIEA Water Management Unit (WMU) and the Council's Shared Environmental Service (SES) both require the submission of a final CEMP prior to the commencement of development following the appointment of a contractor. It is therefore considered necessary to alter the condition suggested by NED to ensure the submission of a final CEMP in line with the requirements of both SES and NIEA WMU.

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

SES advise that following an Appropriate Assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation proposed. SES advise that this conclusion is subject to a mitigation condition, requiring the submission of a final Construction Environmental Management Plan (CEMP) to be submitted and agreed with the Council and NIEA Water Management Unit prior to works commencing on site. This condition is considered necessary to ensure that there is no adverse impact on the integrity of any European Site.

Having regard to the SES advice, it is considered that the Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, adopt the HRA report, and conclusions therein, prepared by SES. Overall it is considered that the proposal accords with the provisions of PPS 2, PPS 4, PPS 18 and PPS 6.

Road Safety, Traffic, Parking and Transport Issues

Policy PED 9 (g) of PPS 4 requires that the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led

improvements are proposed to overcome any road problems identified. While Criterion (h) requires that adequate access arrangements, parking and manoeuvring areas are provided. Planning Policy Statement 3 Access, Movement and Parking also seeks to ensure that prejudice to road safety does not occur as a result of development.

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

Applicable policies include: -

- Policy AMP 1- Creating an Accessible Environment;
- Policy AMP 2 -Access to Public Roads – Permission will be granted for a development involving access to a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic; and
- Policy AMP 7 - Car Parking and Servicing Arrangements – requires proposals to provide adequate provision for car parking and appropriate service arrangements;
- Policy AMP 8 - Cycle Provision – requires proposals to have regard to the needs of cyclists;
- Policy AMP 9 - Design of Car Parking requires a high standard of design, layout and landscaping to accompany all proposals for car parking.

The application site will be accessed via the existing Global Point access from Corr's Corner roundabout which serves the entire business park. The proposal involves the realignment and extension of Global Point Avenue on the western side of the site. This will provide separate access for service vehicles and 22 No. staff parking spaces. The realignment of the existing roundabout and provision of a new road along the western side of Global Point will ensure future connectivity for the lands to the north within Global Point Business Park. Level access is to be provided to the building ensuring compliance with Policy AMP 1. DfI Roads has no objection to the access arrangements as proposed by the applicant and as such, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic and accords with policy AMP2 of PPS3 and also the policy provisions of PPS 4.

The car parking will be laid out with areas of planting between rows of spaces while a formal hedgerow is proposed along the perimeter of the site softening the impact of the parking and enhancing the visual amenity of the site for staff and visitors. The parking areas will not be readily visible from outside of the business park. It is considered that the parking layout is appropriate for the Global Point site. With regard to parking provision 174 No. car park spaces will be provided throughout the application site, these include 22 No. staff parking spaces adjacent to the northern boundary, 18 No. E-car charging spaces, 9 No. DDA spaces and 2 No. E-car DDA spaces on the eastern side of the development. 124 No. parking spaces are proposed along the southern (front) boundary of the site.

The applicant also confirms that the facility is not intended for educational purposes and will not be visited by students attending classes or lectures and as such there is no requirement for parking provision for educational usage given that there will be no such usage on site.

The applicant indicates that on a typical working day there will be an estimated 92 employees and 57 visitors attending the premises (a total of 149 people). The

applicant proposes 174 no. parking spaces as this caters for the numbers of people that they believe will be on site at any one time and includes a contingency for events such as seminars and trade displays. The car parking space requirement for the proposed development based on DfI parking standards would be 198 spaces.

The applicant has calculated the car parking based on their bespoke requirements for the proposal, rather than DfI published parking standards, and acknowledges that the requirements of policy AMP 7 are not met in full. The applicant contends that the PPS3 Parking Standards are not applicable for such a high-tech facility with a large production area and on this basis there is no shortfall in the proposed parking provision.

DfI Roads concerns with regard to parking shortfall are noted, however, having regard to the applicant's bespoke approach to parking based on their need, and the highly accessible location of the application site to nearby bus stops and Mossley West Halt train station, it is considered that sufficient onsite parking is provided to serve the development, including disabled parking and EV parking.

Overall, the site is accessible by a wide variety of excellent modes of sustainable transport, as evidenced by the footpath and road links to the wider cycle and walking network in the area, and proximity to Mossley West Halt rail station. Whilst it is anticipated that the majority of journeys to and from the site will be via car, the site benefits from sustainable transport options should users wish to avail of them. In accordance with policy AMP8 (a) and (c), safe and convenient cycle access and links to cycle networks will be provided.

With regard to network capacity and potential infrastructure upgrades to accommodate this development, the Transport Statement addendum provides a Junction Feasibility Assessment to assess the impact of the proposed developments at Global Point Business Park on the existing Corr's Corner roundabout. This report presents the following findings:

- Assessment of the existing operational capacity of the roundabout and validated against observed queuing during the AM and PM peak hour periods.
- Assessment of 2no. trip rate generation scenarios, firstly the approved rates at Global Point Business Park and then the more realistic bespoke / TRICS trip rate generations.
- The modelling results for both trip rate generation scenarios indicating that the existing junction can accommodate the traffic generations and retains spare capacity for future development at Global Point Business Park or wider growth in traffic flows.
- Sensitivity analysis indicating that the existing roundabout can accommodate the traffic generations associated with the reserved matters approval and the reserved matters approval plus 10% increase in existing background traffic.

- Pedestrian, cycling and public transport facilities have been discussed in detail in this Junction Feasibility Assessment concluding that the site is accessible by a wide variety of excellent modes of sustainable transport.
- The report concludes that there are no mitigation works required to the Corr's Corner roundabout to accommodate the trip generations associated with Global Point Business Park.

DfI Roads has been consulted on this application and advises that there are no significant concerns with the proposed development subject to conditions. It is therefore considered that there are no significant concerns with regard to access, parking and road safety as a result of this proposal.

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

The Transport Statement (DOC 15) indicates that Global Point is well serviced by internal footpaths with the main pedestrian access to Global point via Corrs Corner roundabout. There is also a pedestrian route around the edge of the site which forms part of a linear park (owned by the Council). This route provides connectivity from Mossley West Halt train station to Global Point Avenue as well as connections to the surrounding residential areas, Mossley Mill and Carnmoney Road North. As part of this proposal the pedestrian facilities will be extended along the additional section of the proposed internal service road.

In terms of cycling facilities the Sustrans cycle map indicates that the linear park around the perimeter of Global Point also forms part of the National Cycle Network (NCN) Route 93 which provides connectivity from Global Point Avenue to Belfast City Centre.

There are 20 no. covered cycle parking spaces proposed adjacent to the front door as in integral part of the development. Given the dedicated cycling facilities currently located within this area it is considered that the site is well served by cycling infrastructure and that cycling could be a viable alternative mode of travel to private car travel. In addition, 18 No. E-car charging spaces are proposed adjacent to the eastern boundary of the site.

While Global Point is not currently served directly by bus, however, there are a number of bus stops within walking distance of Global Point which could potentially cater for AMIC employees and visitors. These include:

- Metro Service 1c;
- Metro Service 1d;
- Metro Service 1g;
- Ulsterbus Service 153;
- Ulsterbus Service 653b;
- Ulsterbus Service 253b; and
- Ulsterbus Service 367

The site is also served by the Mossley Rail Halt which is served by the Belfast – Antrim – Ballymena – Coleraine – Portrush – Londonderry line. In terms of meeting the needs of people whose mobility is impaired the applicant indicates within their Design and Access Statement that the building has been designed to provide a level access to the building while 8 No. disabled parking spaces and 2 No. e-car disabled parking spaces are to be provided. Based on the information provided it is considered that the Criterion (i) of Policy PED 9 of PPS 4 and Policy AMP1 of PPS 3 has been complied with.

Crime and Personal Safety

Criterion (L) of Policy PED 9 of PPS 4 requires that the site is designed to deter crime and promote personal safety. The site is bounded by an existing road, Global Point Avenue, to the south and east and by a proposed extension of Global Point Avenue to the west. It is proposed to create a continuous boundary (3m Paladin fence) around the northern and northeastern boundary of the site to provide site security, with vehicle access gates along the western and southern boundary adjacent to Global Point Avenue. It is considered that the design and arrangement of the building and parking areas ensures that the proposed development has been designed to prevent crime and ensure personal safety.

Emissions and Effluent

A further criteria (f) of Policy PED 9 of PPS 4 requires that the proposed development is capable of dealing satisfactorily with any emission or effluent. It is not anticipated that there will be any significant emissions from the building beyond loss of heat and noise generated within the building.

A Noise Assessment (Doc No. 11) has been submitted in support of the application. As indicated above the assessment advises that the purpose of equipment within the engineering hall of the development is to test and develop the processes of the plant and equipment rather than to manufacture goods. Therefore, the usual expected activity of 'goods in/goods out' marshalling/delivery movements associated with traditional manufacturing units, will not apply within this development site. The assessment gives the typical hours of operation of the development as between 08:00 and 20:00 hours although it notes that on limited occasions, some plant and processes may run throughout the night time period. The Council's Environmental Health Section has raised no concerns with regard to potential noise emissions or contamination from former land uses within the site and as such it is considered that there is unlikely to be any significant emissions from this site.

It is also noted that the building is to be designed to BREEAM standards and aims to achieve a high standard of sustainability. BREEAM is a sustainability assessment method that is used to masterplan projects, infrastructure, and buildings. It sets standards for the environmental performance of buildings through the design, specification, construction, and operation phases. The QUB AMIC building will be designed to achieve BREEAM "Excellent", which requires a minimum score of 70%. BREEAM Excellent represents the top 10% of the UK new non-domestic buildings.

In addition, the AMIC building has been designed in accordance with the principles of the energy hierarchy, whereby energy and carbon are minimised through passive means such as fabric improvements, thermal mass, and natural ventilation.

Thereafter, low-zero and renewable technologies are implemented where appropriate. In terms of waste generated by the proposal, it is considered that waste generated during the construction and operation of the proposed development is unlikely to have a significant effect on the waste management capacity in the area.

It is anticipated that there will be no significant effluent with a proposal of this nature with NI Water offering no objections to this proposal while NIEA Water Management unit has indicated no significant concerns to impacts on water quality subject to the provision of a final Construction Environmental Management Plan to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

In addition, it is considered that there is no significant water quality impacts associated with the solar panels and as such the proposal is compliant with Policy RE 1 of PPS 18.

NI Water has no objection to this proposal and advise that although this area of the wastewater catchment is operating at capacity, this proposal can be approved on the basis of the extant planning approval for Global Point Business Park (U/2014/0385/RM). They also note that the existing sewerage network within Global Point Business Park is the responsibility of Invest NI.

Economic Impacts

The applicant has indicated that the AMIC proposal represents a capital investment of £98 million in the Borough while it is estimated that the economic benefits of the project include:

- 1,537 permanent jobs (direct, indirect and induced).
- £73m annual GDP.
- £1.01bn economic Net Present Value (NPV) (lifetime of the project).
- 18% productivity uplift over 10 years.

Other Matters

Belfast International Airport

The application site is within 17km of Belfast International Airport. The proposal has been examined from an aerodrome safeguarding aspect.

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

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

CONCLUSION

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

- The principle of the development is considered acceptable;

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

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. Any engineering activity shall not take place at anytime between the hours of 07:00 to 23:00.

Reason: In order to protect amenity at nearby receptors from adverse impacts of noise

3. There shall be no deliveries to the development site at anytime between the hours of 07:00 to 23:00.

Reason: In order to protect amenity at nearby receptors from adverse impacts of noise

4. The cumulative noise impact of all noise generating sources associated with the development shall not exceed 39dB LAr, 1hr, between the hours of 07:00 and 23:00, as detailed within Document Number 11, stamped 'Planning Section Received 28 Oct 2022' when measured at a nearby noise sensitive receptor in line with BS4142:2014 +A1:2019, and shall include any character correction required.

Reason: In order to protect amenity at nearby receptors from adverse impacts of noise.

5. All doors, including roller shutter doors to the permitted development shall remain closed at all times, other than for access and egress.

Reason: In order to protect amenity at nearby residential properties.

6. The development hereby permitted shall not be occupied until the remediation measures as presented within the Remedial Strategy, Document No. 09, date stamped 28 Oct 2022' have been fully implemented and verified to the satisfaction of the Council.

There shall be no amendments or deviations from, the remediation and verification recommendations contained within the Remediation Strategy, Document No. 09, date stamped 28 Oct 2022 without the prior written approval of the Council.

Reason: To control any risk to human health arising from land contamination Protection of environmental receptors to ensure the site is suitable for use.

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

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

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council 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: To control any risk to human health arising from land contamination and 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 with the Council. This report shall 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 shall 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. The existing natural screenings of the site, as indicated, on approved drawing No.18 date stamped received 28 OCT 2022 shall be retained at a minimum height of 8m for trees and 1m for hedgerows unless necessary to prevent danger to the public in which case a full explanation along with a

scheme for compensatory planting shall be submitted to and agreed in writing with the Council.

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

11. The proposed landscaping indicated on Drawing No.18 date stamped 28 OCT 2022 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in thereafter at a minimum height of 1 metres for hedging and 8 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

12. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 20 bearing the date stamp 28 OCT 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

13. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

14. The development hereby permitted shall not be commenced until effective vehicle wheel washing facilities have been installed and operated during the construction phase of the development hereby approved.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

15. No works shall be carried out until a Final Construction Environmental Management Plan (CEMP) has been submitted to the Council detailing method statements which should identify the perceived risks to the aquatic environment, identify potential pollution pathways and the mitigation measures to be employed which will negate the risk to any aquatic environment, including:

a) Construction methodology and timings of works;

- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Spoil Management Plan; including identification of spoil storage areas, management and handling of spoil and details of the reinstatement of excavated soil;
- e) Water Quality Monitoring Plan;
- f) Environmental Emergency Plan;
- g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

The approved final CEMP shall be adhered to and implemented in full throughout the construction phase in accordance with the approved details, unless otherwise agreed by Council.

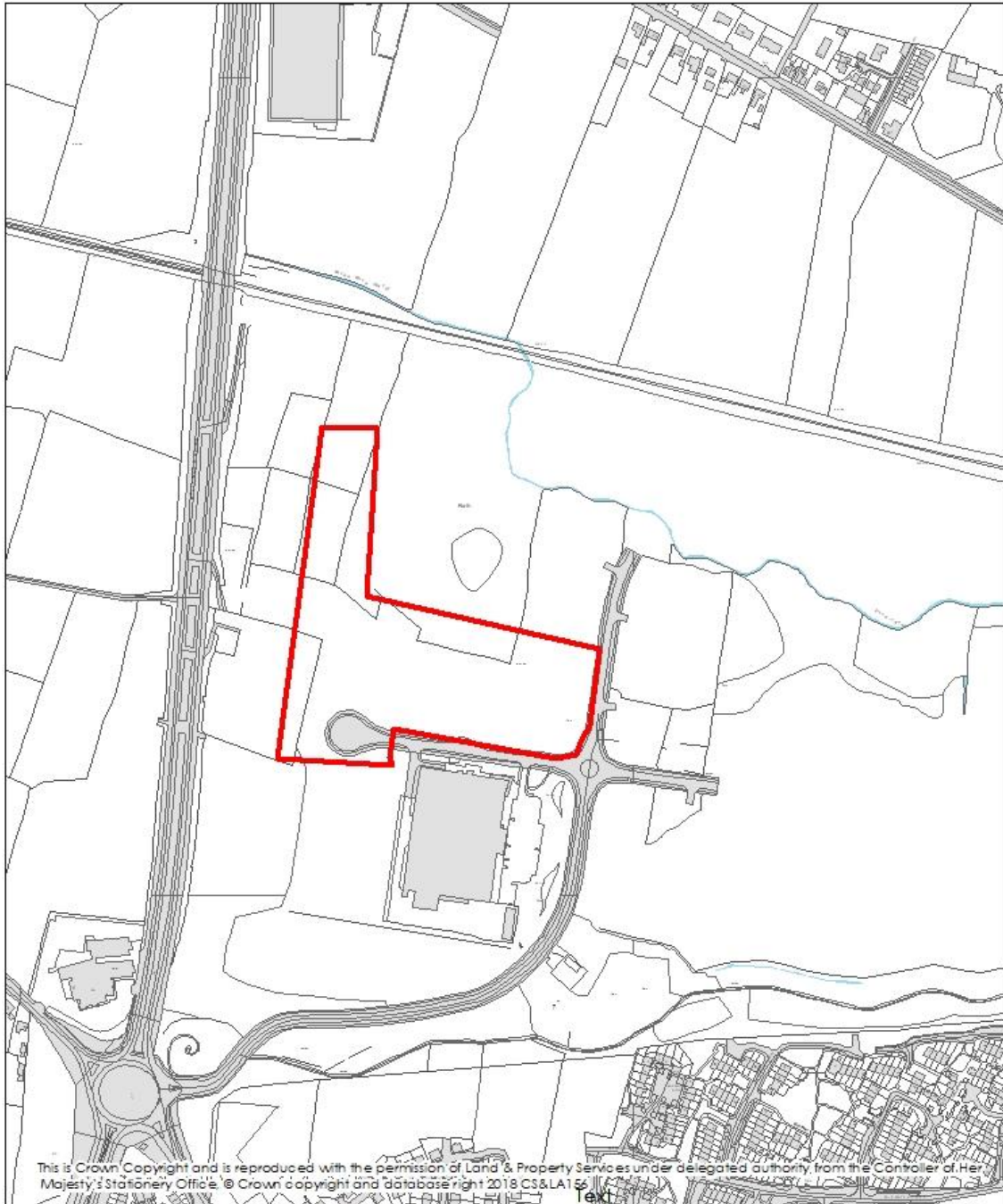
Reason: to protect the aquatic environment

16. The drainage for the proposed development shall be carried out in accordance with DOC 06/1 Flood Risk and Drainage Assessment date stamped 19/01/2023 and in accordance with Drawing Nos. 22/2 date stamped 11/03/2023.

Reason: To safeguard against flood risk to the development and elsewhere and to ensure protection to the aquatic environment.

17. The photovoltaic panels hereby approved shall be non-reflective glass or non-reflective coated.

Reason: in the interest of public safety.



Site Location Plan

Planning Application Reference: LA03/2022/0978/F

Proposal: Proposed industry-led research facility.

Location: Approx 35m to the north of Unit 1 Global Point Avenue
Newtownabbey, BT36 5TB (RLC Global Point)

0 35 70 140 210 280 Metres



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2022/0381/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for residential development for up to 42 dwellings, access road and landscaping scheme
SITE/LOCATION	Land 30m east of 6 Grange Lane south of Hydepark Grange with access from Hydepark Road, Mallusk
APPLICANT	Reuben Kirkland
AGENT	Clyde Shanks Ltd
LAST SITE VISIT	1 st December 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 and the Council's website under additional information</p>	
SITE DESCRIPTION	
<p>The application site is located outside the Belfast Urban Area settlement limit as defined within Belfast Urban Area Plan. The site is also outside the settlement limit of Metropolitan Newtownabbey as defined in draft Belfast Metropolitan Area Plan (published 2004).</p> <p>Access to the application site is taken from Hydepark Road and the site is approximately 1.94 hectares in size. The site rises from the northwest to the southeast and is bounded by trees and hedgerows around the periphery of the site. An existing tarmac laneway is located through the centre of the application site, this leads to a farm dwelling and a number of farm buildings outside the application site boundary.</p> <p>An existing stream flows along the north-eastern boundary of the application site and beyond this is an existing dwelling, No. 2 Grange Lane. The southern boundary is undefined and forms part of a larger agricultural field. The north-western boundary of the application site is defined by existing two (2) metre high hedging where the application site abuts No. 6 Grange Lane and mature vegetation of approximately 4 – 6 metres for the remainder of the north-western boundary.</p> <p>An existing residential development is located further north of the application site at Hydepark Manor. To the east of the site is the recently approved housing scheme as granted under planning reference LA03/2021/0548/F. The eastern boundary between the application site and this approved residential development to the east of the application site consists of mature vegetation.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2018/0290/PAN

Location: Lands zoned for housing (MNY 04/32) including Nos 4 and 8 Grange Lane located to the west of Hyde Park Lane and east of no 12 Grange Lane, Mallusk, Newtownabbey.

Proposal: Proposed residential development comprising c. 180 no dwellings, open space, landscaping, internal road network and all associated site works.

Decision: PAN Acceptable (25.04.2018)

Planning Reference: LA03/2018/0292/PAD

Location: Lands zoned for housing including Nos. 4 and 8 Grange Lane. located to the West of Hyde Park Lane and East of No. 12a Grange Lane, Mallusk

Proposal: Proposed residential development comprising of c. 180 no. dwellings, open space, landscaping, internal road network and all associated site works.

Decision: 27th July 2018

Planning Reference: U/2011/0356/O

Location: Lands South West of Hydepark Road to East of no 12 Grange Lane and West of no 43 Hydepark Lane, Mallusk.

Proposal: Outline application for housing development (approx. 300 units) and associated community facilities to include small retail unit, open space, internal road layout, landscaping and associated site works.

Decision: Application Withdrawn (01.09.2014)

PLANNING POLICY AND GUIDANCE

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

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

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

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

Draft Belfast Metropolitan Area Plan (published 2004): The application site is located outside any settlement limit and lies in the countryside as designated by this 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 7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

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

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

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

CONSULTATION

Council Environmental Health Section

No objection, subject to conditions

Northern Ireland Water

Recommend refusal

Department for Infrastructure Roads

Recommend refusal

Department for Infrastructure Rivers

Further information required

DAERA: Regulation Unit

No objection, subject to conditions

DAERA: Natural Heritage

No objection, subject to conditions

DAERA: Water Management Unit

The proposal has the potential to adversely affect the surface water environment.

Northern Ireland Electricity

No objection, subject to informatives

REPRESENTATION

Twenty-one (21) neighbouring properties were notified and six (6) letters of objection have been received from five (5) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk) and the Council's website under additional information.

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

- Noise pollution;
- Environmental pollution;
- These sites have already been offered and signed up for despite approval not being granted;
- Road safety concerns;
- Impact on road infrastructure which is already overburdened and the road is not up to scratch in terms of meeting the demands of the increasing vehicles on the Road;
- Impact on residential properties from traffic (and possible road realignment);
- Insufficient drainage presently so the development will exacerbate flooding problems;
- Increase in land levels will leave existing properties on lower ground and prone to flooding;
- Any flood surveys are appointed by the developer and the result will be an advantage to the developer;
- YouTube footage provided with regards to flooding at: <https://www.youtube.com/watch?v=SIELsftcNc> (<https://youtu.be/SIELsftcNc>);
- No neighbour notification to No. 12 Grange Lane;
- This mainly rural area is overpopulated with the new residential developments in the area;
- The sewer system is at capacity and manholes in the area are overflowing; and
- Impacts on the environment and wildlife, including bats and squirrels

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 the Character and Appearance of the Area
- Neighbour Amenity
- Natural Heritage
- Flood Risk and Drainage
- Waste Water Treatment
- 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 site lies outside the development limit of Metropolitan Newtownabbey in both Belfast Urban Area Plan and draft BMAP (published 2004). However, the applicant has submitted a supporting document (Document 04, date stamped 20th October 2022) referring to the unlawfully adopted dBMAP (published 2014) which places the application site within the development limit of Metropolitan Newtownabbey and housing zoning MNY 04/32. The applicant contends that the final version of draft BMAP (published 2014) is a material consideration as it has evolved and gone through the public enquiry and the purported adoption process.

The applicant's supporting information (Document 04) refers to the Chief Planner's Update 4 of 25 November 2019 which confirmed that, following the Belfast City Council case, dBMAP (published 2014) "remains as an emerging plan" and as such remained as a material consideration to be weighed by the decision-maker, as did representations received to the draft plan and the PAC public inquiry reports, containing analysis of objections, the Department's view on those objections, and the Commission's recommendations. The applicant's supporting statement asks the question, "what would the point be of the Department through its Chief Planner confirming that emergent status if there were no prospect of formal adoption?"

The Council's position in relation to this matter, and as is evidenced in case law (Elizabeth Conlon v BCC [2018] NIQB 49 refers), is that development proposals in the Belfast Metropolitan Area must be assessed for their accordance with the relevant provisions of the current statutory development plan, i.e. BUAP, whilst the emerging provisions of draft BMAP and the published PAC reports are also material considerations to be weighed by Local Planning Authorities in reaching their decisions.

How the position evolved to the point where the latest iteration of dBMAP proposed inclusion of the site within the development limit is, in the view of the applicant (Document 04), of fundamental importance in understanding what weight ought, rationally in the Wednesbury sense, to be given to that inclusion. Document 04 states that the PAC had considered objection 3191 within the PAC public inquiry report which sought inclusion of the application lands within the development limit and considered it would be suitable for housing recommending it should be included within the development limit and zoned for housing. The PAC stated:

"Site 3191 comprises various fields and includes a farm complex and a vacant bungalow". The site is currently accessed via a laneway off Hydepark Road. The land is fairly level and its boundaries are defined by various trees and hedges. The objection sought inclusion of the land within the settlement and its identification as a DOS, mainly residential. The Department considered that the site would be suitable for housing. As we have not stated elsewhere, zoning of greenfield land as a DOS is inappropriate. We are not convinced that there are insurmountable problems in respect of access to this site. The land is physically suitable for development and housing thereon would not be prominent. The new development limit would follow established, vegetated field boundaries. Inclusion of the site within the SDL would provide a logical extension to the settlement at an acceptable scale. We recommend accordingly."

The PAC went on to state that *"We recommend that site 3191 is included within the SDL and zoned for housing, subject to the following KSR: - The floodplain of the Ballymartin Water within the lands shall be identified prior to commencement of development. No built development shall take place within the identified area."*

Page 121 of the purported BMAP Adoption Statement confirms that the Department accepted this PAC recommendation and the objection lands including the application site were duly included within the SDL and zoned as part of a wider single housing zoning MNY 04/32. There were no counter objections lodged.

The applicant's supporting information quotes PAC appeal decision 2017/A0220 where similarities are drawn with the current application site to an extent that the applicant contends are materially identical. That site lay outside the settlement limits of Lisburn in both the statutory Lisburn Area Plan ("LAP") and dBMAP but was recommended by the PAC for inclusion in the development limit within the final version of the plan. The PAC allowed the appeal stating *"I can only assume that if BMAP were to be lawfully adopted it would be probably likely to contain the appeal site within the settlement limits of Lisburn. I must therefore attach significant weight to the proposal to include objection 2137 to dBMAP into the adopted plan. Consequently, the provisions of the LAP; dBMAP and Planning Policy Statement 21 'Sustainable Development in the Countryside' are not determining material considerations in this case"*.

The above appeal was not challenged and therefore the applicant contends that there is a requirement that planning authorities accept and follow PAC decisions and quotes recent case law (*Humphreys J in Re ABO Wind NI Limited and Energia Renewables Company 1 Limited's Application [2021] NIQB 96*) referring to the Chief Planner stating, *"..it was simply not open to him, as a matter of constitutional propriety and Wednesbury rationality, to depart from the PAC decision. I recognise that the respondent is not bound by the PAC decision as a matter of strict precedent but I concur with the view expressed by Mr Orbinson that such decisions must either be accepted and respected or challenged through the courts ..."* For the above reason the applicant's statement contends that any decision to refuse the current application would be susceptible to judicial review as being *Wednesbury* unreasonable.

The above case as presented by the applicant has been considered. There are similarities in the quoted appeal, however, there is a fundamental difference in that the application proposal for 2017/A0220 was for a single dwelling and therefore the appeal does not sit on all fours with the current application site which is 1.94 hectares. The current application site is significant in size and a departure from the lawful plan (BUAP) which could significantly prejudice the plan process due to prematurity. This would also set a precedent to the remaining lands within a similar position adjoining the application site.

In addition, this appeal decision was made in 2017, some five years ago and there have been significant developments in the interim in the development of the Belfast City Council's draft Strategy Plan. Given the likelihood of Belfast City Council's Strategy Plan being adopted shortly it is increasingly unlikely that BMAP 2014 will ever be adopted, in addition, the PAC's position is that BMAP 2014 does not have any

legal status. It is therefore considered that the appeal does not sit on all fours with the current application site.

Although the Department indicated during the course of the Public Inquiry that the lands comprising the current application site (under objection 3191) were suitable for inclusion within the settlement limits of Metropolitan Newtownabbey; and that the Commission recommended such a course of action, officers consider that this is the PAC recommendation and is not a final decision, however, it is accepted that it is highly likely that this zoning would be confirmed if BMAP 2014 was ever to be adopted.

Notwithstanding the above the Council granted a decision in January 2020 at Park Road, Mallusk (Planning Application Reference LA03/2019/0667/F) for a residential development which was outside the development limits within the Belfast Urban Area Plan and therefore was granted under a similar set of circumstances and weight has been attributed to the fact that a precedent has been set.

In addition, the remaining lands within the plan area that would fall to be considered under a similar set of circumstances to the current application, i.e. that are indicated outside the development limits of Metropolitan Newtownabbey in the Belfast Urban Area Plan and draft BMAP and inside the development limits of Metropolitan Newtownabbey in the 2014 version of the plan, are limited and have all been either developed or granted permission to be developed. Therefore, it is considered that the development of the application site for housing would be limited. However, it is noted that the housing zoning MNY 04/32 extends beyond the southern boundary of the site as indicated in draft BMAP (published 2014) and therefore any granting of planning permission on this site is likely to set a precedent to open up the remainder of these lands for future development.

Third party objection has been received raising concerns with regards to the principle of development stating that this mainly rural area is overpopulated with a number of new residential developments being approved in the area. However, taking the above into consideration, on balance, while residential development is contrary to Belfast Urban Area Plan and dBMAP (published 2004), having regard to the material considerations outlined above Officers consider that the principle of housing development on this site is acceptable and the details of the scheme stand to be considered against prevailing regional planning policy addressed in the remainder of the report.

The Strategic Planning Policy Statement (SPPS) indicates that where any conflict between the SPPS and any policy retained exists, under the transitional arrangements it must be resolved in the favour of the provisions of 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) and PPS 8 ‘Open Space, Sport and Outdoor Recreation. PPS7, APPS7, Planning Policy Statement 3, Access, Movement and Parking (PPS 3) and PPS 8 remain the applicable policies to consider the proposed development under.

The SPPS indicates that sustainable development should be permitted, having regard to material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS also promotes good design and seeks to make more efficient use of urban land without town cramming.

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

The current policy direction is to make more efficient use of urban land, but cautions 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 existing neighbourhood and to local character. Para 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.'

The proposal seeks outline permission and therefore there are limited details with regards to the design of the proposal. Policy QD 1 requires a concept statement to be submitted with an outline application and in this case a concept drawing (Drawing No. 02, date stamped 14th April 2022) and an existing topographical survey drawing (Drawing No. 03, date stamped 14th April 2022) has been submitted and therefore it is considered necessary to provide comment on the layout as submitted.

The plans indicate a rise in topography from the north-western corner adjacent to No. 6 Grange Lane up to the south-eastern corner with a difference of approximately seven (7) metres. This would indicate that a level of cutting/filling will be required to accommodate any proposal on the application site, however, no proposed cross sections or levels have been provided to demonstrate that the proposal will cross cut the site gently.

Drawing No. 02 'Concept Layout' indicates a total of 42no. dwellings. There are concerns with regards to the horseshoe section within the south-western corner where the development appears to be overdeveloped. This proposed form of development is unlikely to allow for in curtilage car parking resulting in a significant level of hard surfacing to the front of the properties. Accordingly, it has not been demonstrated that the number of units proposed can be accommodated on the site without an adverse impact on the character and appearance of the area and the proposal would not be reflective of the layout of development exhibited in the wider area.

Open Space

Policy OS 2 of PPS 8 requires that for new residential developments of 25 or more units, or on sites of one hectare or more, public open space shall be provided as an integral part of the development. The policy requires that a normal expectation will

be at least 10% of the total site area. The concept drawing indicates an area of open space surrounded by the road network and equates to approximately 420 square metres within a site of approximately 19,400 square metres. This equates to only 2% open space for the development which is an insufficient level of open space to serve the development.

Density

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Generally, density is considered to be a calculation of dwellings per hectare. Based on this calculation, the density of the proposed site of 1.94 hectares to accommodate a maximum of 42 dwelling units is approximately 21.6dph. The applicant points out that the neighbouring approved residential scheme under planning application reference LA03/2021/0548/F was 21dph, however, there are notable differences with this site and the adjacent development site as the neighbouring development provides 11% open space as opposed to the 2% open space provided within this development.

Overall, it is considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policies QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that, it has not been demonstrated that the proposed development can achieve a quality and sustainable residential environment as it fails to provide sufficient provision of communal amenity space and fails to incorporate a design and layout which draws upon the positive aspects of the surrounding area.

Given that the application seeks outline planning permission and the proposal is seen as unacceptable in policy terms with regards to the proposed access (discussed further below), no further information has been requested from the agent with regards to the design and layout as this would constitute nugatory work and put the applicant to unnecessary expense.

Neighbour Amenity

Policy QD 1 of PPS 7 states that new development should not create conflict with adjacent land uses and that there should be no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The application site is bound to the north by an existing river which runs along the southern boundary of No. 2 Grange Lane. A two-metre-high hedge and the river along with riverside vegetation separates the site from No. 2 Grange Lane. The concept layout indicates a proposed dwelling abutting this river with approximately seven (7) metres indicated between the proposed dwelling and the boundary with No. 2 which is defined by mature vegetation and the existing watercourse. It is considered that a dwelling could be designed to ensure that no significant impact on the residential amenity of this property occurs.

Located to the west of the application site are two existing dwellings. No. 6 Grange Lane abuts the western boundary of the application site and is situated gable onto the application site. It is indicated within the Design Concept Statement that the

proposed dwelling adjacent to No. 6 Grange Lane will have a gable-to-gable relationship with approximately 23 metres indicated on the concept drawing between the proposed dwelling and the existing dwelling at No. 6 Grange Lane. It is considered that there is sufficient separation distance proposed between No. 6 Grange Lane and the proposed dwelling adjacent, which could be designed to ensure that there would be no adverse impact on residential amenity to this existing property. No. 8 Grange Lane is located beyond the south-western corner of the application site and again there is sufficient separation distance to ensure a dwelling could be designed with no significant impact on the residential amenity of this property.

An existing dwelling, No. 4 Grange Lane is located further south of the application site and is accessed via an existing laneway running through the middle of the site. This property is sufficiently removed from the application site so as to ensure no significant impact on amenity. The most notable impact will be with regards to traffic impact and the realigned access, however, the ownership of this property is within the control of the applicant as indicated in blue on the site location plan (Drawing 01, date stamped 14th April 2022).

The proposed access point off Hydepark Road is existing, however, there would be an increase in traffic passing a number of existing properties including No. 1 Hydepark Court which is positioned gable onto the access point. A fitness club is located to the south of the access road at No. 23 Hydepark Road, Mallusk. The boundary between the proposed access road and the property at No. 1 Hydepark Court is a 2m high wall. Given there is an existing access point at this location, it is considered that the additional traffic generated by the residential development would not be so significant as to have a detrimental impact on the amenity of these properties.

The access road also extends between the watercourse adjacent to No. 2 Grange Lane and the approved dwellings within the recently granted housing development under planning reference LA03/2021/0548/F. This permission approved a pumping station along with an area of open space and three detached dwellings backing onto the proposed access road. The existing boundary between the application site and this approved development consists of mature trees, hedges and a sloped bank.

It is unclear from the plans submitted as to the levels of the proposed access road and the extent of vegetation removal required to facilitate the proposed access. The approved dwellings (Ref: LA03/2021/0548F) are indicated on a higher level than the current ground level where the access road is proposed and a 1.8-metre-high screen fence with planting has been granted as the rear boundary to the gardens associated with the approved dwellings.

The existing dwelling at No. 2 Grange Lane is currently unoccupied however, permission has been granted for a replacement dwelling within this site. There is existing vegetation and a watercourse to the southern side of No. 2 Grange Lane separating it from the proposed access road.

The Environmental Health Section (EHS) has been consulted and has raised no objection to the proposal with regards to the impact of the access on the amenity of

the existing dwellings. It is considered that the proposed access road could be designed to ensure it would not have a significant impact on residential amenity.

The increase in traffic along Hydepark Road from the addition of the proposed development, along with any potential road realignment and the potential this could have on residential amenity has been raised through letters of objection. It is considered that while the proposal will result in an increase in traffic along Hydepark Road and the surrounding road network, the addition of 42no. dwellings is not likely to have a significant impact on residential amenity.

An objection has been received with regards to the impact on residential amenity from noise as a result of the proposal. EHS has been consulted and has raised no objection to the proposal in this regard, subject to conditions. It is considered that noise resulting from the proposal would not be significant. Any construction noise would be temporary in nature.

With regards to the proposed dwellings, the Creating Places guidance document requires increased separation distances on sloping sites. There is a seven metre level difference across the site and while an existing topographical survey (Drawing No. 03, date stamped 14th April 2023) has been provided no details have been provided with regards to proposed levels. However, it is considered the proposed development could be designed to ensure no significant impact on residential amenity in terms of overlooking.

Overall, it is considered the proposal could be designed to ensure no adverse effects on existing and proposed properties in terms of overlooking, overshadowing, noise or other disturbance.

Natural Heritage

A Biodiversity Checklist and Bat Survey (Document 07, date stamped 15th November) has been submitted. Lighting plans have also been submitted indicating proposed lighting for the site.

Objections have been received from neighbouring properties raising concerns with regards to the impact on the environment and wildlife. The Bat Surveys undertaken on site identified the presence of common & soprano pipistrelles, Leisler's and Daubenton's bats. These bat species were recorded foraging on site, as well commuting across the site using the tree lines. The re-entry survey did not identify any roosting bats and therefore the proposed development is not predicted to have a significant impact on roosting bats. There is suitable foraging and commuting habitat for bats on site; treelines, hedgerows and a river running along the northern and eastern boundary. The highest levels of bat activity were recorded close to the river on the eastern boundary around the cluster of mature trees.

Bats are a European protected species and as such are subject to a strict level of protection. DAERA Natural Environment Division (NED) is content with the findings of the submitted Bat Activity Survey, Outdoor Lighting Report, Road Lighting Layout and considers that the proposal is unlikely to have a significant impact on the local bat population, providing the mitigation measures outlined in the bat activity survey are implemented and that lights along the boundaries as suggested in the lighting plans do not exceed a limit of 1 lux close to priority habitat. Objection was also raised with

regards to squirrels at the site. It is not clear whether this relates to grey or red squirrels however, NED did not raise concern with regards to squirrels at the site. It is therefore considered that the proposed development would not have a detrimental impact on protected species.

A small watercourse flows along the north-eastern boundary of the site. This stream flows into the Ballymartin Water River, and therefore designated sites outwith the application site must be taken into consideration. In the absence of mitigation, there is the potential for degradation of the aquatic habitat during construction of the development. During construction, a buffer of at least 5m must be established and maintained between any drainage ditches and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills. Any construction work carried out at the site must demonstrate adherence to the precepts contained in the relevant Pollution Prevention Guidelines (PPGs) and Guidance for Pollution Prevention (GPP's).

NED has raised no objection to the proposal subject to conditions. Shared Environmental Services (SES) has not been consulted as the proposal is to discharge to mains and therefore Habitats Regulations Assessment is not engaged. Should the proposal change in this regard, then SES would be required to be consulted. Overall, it is considered that the proposed development would not have an unacceptable impact on features of natural heritage and complies with Planning Policy Statement 2 'Natural Heritage'.

Flood Risk and Drainage

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site is bounded at the north and briefly at the east by an undesignated watercourse. The site may be affected by further undesignated watercourses.

DfI Rivers were initially consulted on the application and indicated that the Flood Maps (NI) showed that a portion of the northwest of the site lies within the 1 in 100-year strategic floodplain. As this is the strategic flood map and not a detailed modelled flood hazard map, the applicant has submitted a Flood Risk Assessment (Document 05, date stamped 25th October 2022). Hydraulic modelling has been undertaken demonstrating a more accurate extent of the floodplain.

In accordance with PPS 15, FLD 1, development will only be suitable to that part of the site which is found to be outside the determined floodplain. Any development intended within the Q100 flood plains will require the Planning Authority to deem the application to be an exception (through meeting one of the exceptions listed under the exceptions heading of PPS 15 FLD1), before DfI Rivers will appraise the Flood Risk Assessment (FRA).

Detailed analysis carried out within the FRA (Document 05) predicted that the footprint of the main site is not located within the predicted Q100 floodplain. The Q100 fluvial floodplain extends out of the riverbank west of the site but does not reach the proposed development area.

The consultant has carried out a sensitivity analysis for simultaneous blockages on the culvert network within and downstream of the site. This is a conservative check carried out by the consultant and although unlikely, if the culvert network were to suffer simultaneous blockages the northern portion of the site would be liable to flooding.

This scenario could be further mitigated by regular maintenance being carried out by the riparian landowners. This is not required under policy and therefore DfI Rivers has advised in its consultation response that it would be unable to sustain an objection under FLD 1. DfI Rivers, while not being responsible for the preparation of the FRA, accepts its logic and gives no reason to disagree with its conclusions.

An objection has been received from neighbouring properties stating that any flood surveys are appointed by the developer and the result will be an advantage to the developer. An informative on any future grant of planning permission can advise the applicant that the responsibility for justifying the FRA and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and their professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

It has been raised through letters of objection that the increase in land levels will leave existing properties on lower ground and prone to flooding. A 'YouTube' link was provided at: <https://www.youtube.com/watch?v=SIELsftcNc> (<https://youtu.be/SIELsftcNc>) indicating previous flooding in the area however, it is noted this video is no longer available on 'YouTube'.

The FRA indicates that freeboards will be required ranging from 600mm to 1.9m. The site has been demonstrated to not fall within the Q100 fluvial floodplain and therefore it is considered that infilling will not affect the Q100 floodplain or flood risk for this event for neighbouring properties.

In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a Drainage Assessment is required if more than ten (10) dwellings are proposed or additional hard-standing exceeding 1000m² is to occur.

Objections have been received from neighbouring properties indicating that there is insufficient drainage presently so the development will exacerbate flooding problems.

A Drainage Assessment (Document 08, date stamped 24th November 2022) has been received. Revised Policy PPS 15 Annex D18 bullet point 1 states, "an initial application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973" If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. The applicant is requested to provide confirmation of Discharge Consent from either DfI Rivers or NI Water. While this information was requested from the applicant's agent on 12th January 2023 it has not been provided.

Under FLD 4 of Planning Policy Statement 15, the Planning Authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

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

Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. A river crossing is proposed for the undesignated watercourse at this location. The proposal indicates a river crossing, which is required to access the development site meaning therefore that the proposal is in conformity with Policy FLD4 of PPS15. Therefore, the proposal meets with this policy test.

Policy for development in proximity to controlled reservoirs is set out in Policy FLD 5 of PPS 15 supplemented by a Technical Advice Note issued by DfI Rivers in August 2018. In effect this introduces a presumption against development in the inundation area of a controlled reservoir unless there is sufficient assurance regarding the condition, management and maintenance of the reservoir.

The application site is affected by the inundation zones of two nearby controlled reservoirs: Hydepark Dam and Boghill Dam. DfI Rivers is in possession of information confirming that Boghill Dam has 'Condition Assurance' consequently DfI Rivers has indicated that they have no reason to object to the proposal, at this time, from a reservoir flood risk perspective in respect to Boghill Dam.

However, DfI Rivers has been consulted and has advised that the condition, management and maintenance regime of Hydepark Dam is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as required under Policy FLD 5.

DfI Rivers has also carried out an assessment of flood risk to people at this site (based on the Defra/Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Hydepark Dam should it occur. As a result of this analysis, the overall hazard rating at this site is considered high. This is therefore considered by DfI Rivers to be an unacceptable combination of depth and velocity for this particular development proposal.

Further information was requested from the applicant's agent on this matter on 12th January 2023 following the consultation response from DfI Rivers however, no information has been received. Therefore, it is considered that the proposal is contrary to Policy FLD 5 of Planning Policy Statement 15: Planning and Flood Risk (PPS 15), in that the applicant has failed to provide sufficient information to demonstrate assurance regarding reservoir safety.

Waste Water Treatment

Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the

surface water environment. Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Whitehouse Waste Water Treatment Works (WWTW).

Water Management Unit would therefore recommend that Northern Ireland Water Limited (NI Water) is consulted to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. If NI Water indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal. If it is not possible to connect to a NI Water sewer then a NIEA Discharge Consent, issued under the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage from this proposal.

NI Water has been consulted and has recommended refusal of the application. There is available capacity at the Waste Water Treatment Works, however, a high level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. NI Water advise that the applicant should consult with them directly to ascertain whether any necessary alternative drainage / treatment solutions can be agreed. The applicant has advised that a Waste Water Impact Assessment has been submitted to NI Water, however, to date no Solutions Engineers Report has been received.

It has been raised through letters of objection from the occupant of a neighbouring property that the sewer system is at capacity and manholes are overflowing with human waste on frequent occasions.

It is considered that 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 that there is a satisfactory means of dealing with sewage associated with the development.

Access, Movement and Parking

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The layout of the proposal makes provision for in-curtilage parking for individual dwellings with some on-street communal visitor parking interspersed through the development along the internal estate road. DfI Roads has been consulted in relation to the parking and has raised no concerns. It is considered that adequate and appropriate provision is made for parking within the development.

The applicant has submitted an Outdoor Lighting Report prepared by MMA Lighting Consultancy Ltd, Document Number 10, date stamped 16th January 2022' and a Road Lighting Report prepared by Daramack Exterior Lighting Design, Drawing Number 05, date stamped 16th January 2022.

A third party objection has been received with regards to the road safety aspect of the proposal and the additional traffic generated. It has been raised that the proposal will result in a detrimental impact to the road infrastructure which is already overburdened.

DfI Roads initially recommended refusal of the application as the proposal is contrary to PPS 3, Policy AMP 2 in that it would, if permitted, prejudice the safety and convenience of road users since the construction of the Right Turn Lane would restrict the visibility from the adjacent access.

The agent provided a rebuttal statement to the DfI Roads consultation (Document 12, date stamped 21st February 2023) and indicated that the measured 85 percentile speeds recorded at the time were 36mph in both directions and based on DCAN 15 standards for an access carrying over 60 vehicle trips per day; visibility should be 90 metres in each direction. The agent points out that the vegetation to the north of the Hydepark Road has not been maintained and is compromising the existing forward visibility for traffic travelling out of Mallusk. A map has been provided indicating that there is a substantial area left between the property boundaries of Mill Grange and the back of the footway on the Hydepark Road for forward visibility.

Document 12, date stamped 21st February 2023 refers to Drawing No. 04/1 'Access Layout' and states that it shows the visibility splays onto the Hydepark Road from Mill Grange as 2.4 x 102m which is in excess of the 2.4 x 90m requirement as set out in Development Control Advice Note 15 (DCAN 15). No. 20 Hydepark Road which accesses directly onto the Hydepark Road will have a visibility splay of 2.0 x 73m which is also compliant to the recommendations of DCAN 15. The agent concludes that the visibility splays at the existing accesses will not be compromised as a result of implementing the right turn pocket. Considering the above information, and in consultation with DfI Roads it is considered that applying DCAN 15, visibility splays of 4.5 x 90 metres can be accepted.

With regards to Forward Sight Distance (FSD) DfI Roads also initially recommended refusal as adequate FSD of 120 metres is not available on the public road at the proposed access.

The subsequent submission of the applicant's rebuttal (Document 12) states that the speed survey confirms that the FSD around this curve should be 90m based on the measured speed of 36mph and goes on to state that the existing forward visibility on the existing curve on the Hydepark Road is 60 metres. Document 12 states that the provision of the right turning lane will provide a reserve for right turning traffic to safely sit while waiting to turn right thus not impeding traffic flows and that the FSD for traffic travelling out of Mallusk to that entering the right turning lane is 120m which is greater than what is required.

The forward visibility splay to the traffic travelling out of Mallusk to the point of manoeuvre within the turning pocket is 80 metres. While the applicant accepts this is lower than required, it is indicated as only slightly lower as the applicant states that only 90metres FSD is required, based on measured traffic speeds. The applicant also points out that this is in excess of what is currently available and with the introduction of the right turning pocket the right turning traffic will be accommodated.

The FSD for traffic travelling out of Mallusk around the curve reduces to a minimum of 73 metres which the applicant indicates is one step below the required 90 metres. Additional mitigation is proposed to further enhance road safety on this section of the road including high friction surfacing, improved street lighting and advance warning signs.

The applicant points out a residential development at Comber Road in Dundonald approved under application reference LA05/2016/0002/O where similar mitigation was accepted for a major development. This decision was not taken by Antrim and Newtownabbey Borough Council and in addition it is difficult to compare the applications on a like for like basis. No information has been supplied by the applicant as to why that decision and this application are comparable. In any case, every application is assessed on its own merits and it is contended that the decision being relied upon by the applicant does not sit on all fours with this application.

DfI Roads has been consulted and has recommended refusal since adequate FSD of 120 metres are not available. It is considered unacceptable to reduce an existing high standard visibility splay to accommodate another planning application. Having considered the recent submission and in consultation with DfI Roads it is considered that the RHT must be designed to a 70a design speed which has a FSD requirement of 120m.

It is therefore considered that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 120 metres is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

A further point of objection raised by third parties was the impact on road infrastructure which is already overburdened and the road is not up to scratch in terms of meeting the demands of the increasing vehicles on the road. It is considered that the additional traffic generated by the proposal is not likely to be so substantial as to have a significant impact on the road network. DfI Roads has raised no objection in this regard.

Other Matters

Contamination

Former activities at the application site and in the adjacent area (Quarry) may have caused the land to be affected by contamination. A Generic Quantitative Risk Assessment (Document 03, date stamped 18th October 2022) has been submitted. EHS are of the opinion that amenity at the proposed development can be protected from any contaminated land issues subject to the attachment of contaminated land conditions to any future approval granted.

DAERA Regulation Unit has been consulted and has advised that the GQRA is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors have been identified for the development. Regulation Unit Land and Groundwater Team has raised no objection to the development provided conditions and informatives are placed on any future planning decision notice.

Northern Ireland Electricity

NIE Networks has been consulted and has raised no objection to the proposal however, has pointed out that the applicant should apply for a mark-up. There are currently low voltage overhead lines and associated equipment in the area for development and the distance from these should be addressed in any Reserved Matters application should planning permission be forthcoming. An informative can be placed on any future decision notice to advise the applicant of this matter.

Neighbour Notification

A letter of objection was received from the occupant of No. 12 Grange Lane that no neighbour notification letter was received with regards to the proposal. This property does not abut the application site, however, it was also evident from receipt of the objection letter that the complainant was aware of the development proposal and not prejudiced. The complainant was subsequently corresponded with throughout the following relevant stages of the planning process and was notified of subsequent plans and additional information that was submitted in respect of the development proposal.

Sites Sold

It has been raised through letters of objection that these sites have already been offered and signed up despite approval not being granted. This is outside the remit of planning however; any such matters are carried out at the developers own risk.

Environmental Pollution

An objector raises concerns with regards to environmental pollution as a result of the proposal. They go on to state that they have only just averted the plan to place a highly toxic incinerator in the area. The site activities proposed do not fall within Schedule 1 of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 and any air emissions resulting from the proposal would be of a domestic scale and not considered to be detrimental to human health. In addition, the Council's Environmental Health Section was consulted with regards to the development proposal and has indicated no objection with regards to environmental pollution.

CONCLUSION

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

- The principle of housing on this site is considered to be acceptable;
- It is considered that it has not been demonstrated that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout and hard surfaced areas;
- It is considered that insufficient communal open space is provided for the proposed development;
- The applicant has failed to provide sufficient information to demonstrate that there is a satisfactory means of dealing with sewage associated with the development;
- The applicant has failed to provide sufficient information to demonstrate assurance regarding reservoir safety;
- The proposal is unlikely to significantly impact protected or priority species; and
- It is considered that the proposal would prejudice the safety and convenience of road users since adequate forward sight distance of 120 metres is not available,

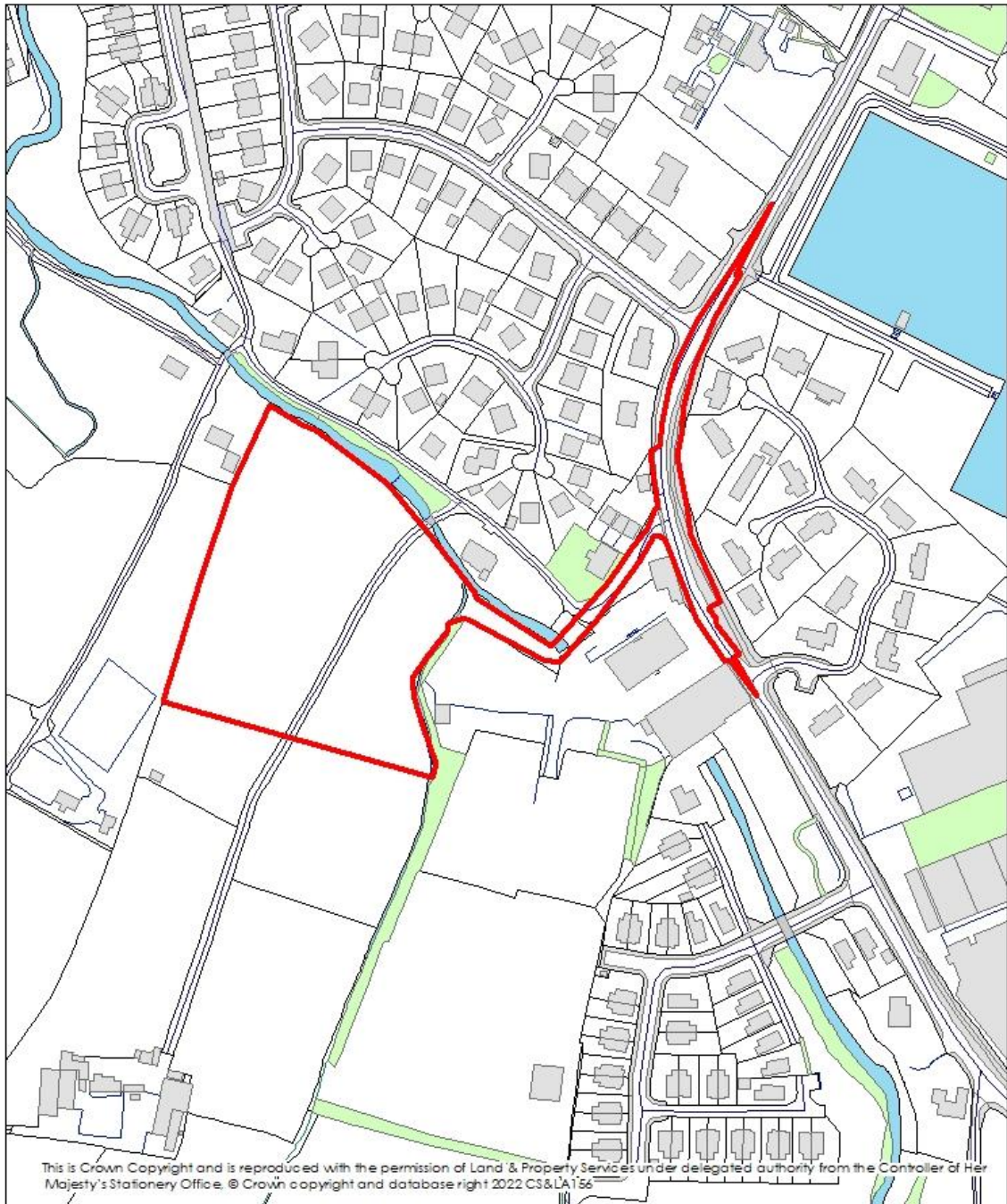
on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

REFUSAL REASONS

1. 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 adequate forward sight distance of 120 metres is not available, on the public road, at the proposed access.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS); Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', in that it has not been demonstrated that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of the layout proposed.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy OS 2 of PPS8 'Open Space, Sport and Outdoor Recreation' in that insufficient communal open space is provided.
4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy FLD 5 of Planning Policy Statement 15: Planning and Flood Risk (PPS 15), in that the applicant has failed to provide sufficient information to demonstrate assurance regarding reservoir safety.
5. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would cause harm to an interest of acknowledged importance in that it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.



Planning Application Reference: LA03/2022/0381/O

Location: Land 30m east of 6 Grange Lane south of Hyde Park Grange with access from Hyde Park Road, Mallusk

Proposal: Site for residential development for up to 42 dwellings, access road and landscaping scheme

Scale: 1:2500



Site Location



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2023/0112/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Installation of a 15m telecommunications monopole, supporting 6 no. antennas, 1 no. wraparound equipment cabinet, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development.
SITE/LOCATION	Lands 20m south of No.2 Oakfern Newtownabbey BT36 5LU
APPLICANT	CK Hutchison Networks (UK) Ltd.
AGENT	Clarke Telecom
LAST SITE VISIT	7th March 2023
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the development limit of the Belfast Urban Area as defined by the Belfast Urban Area Plan (BUAP) and within the development limit of Metropolitan Newtownabbey as defined by the draft Belfast Metropolitan Area Plan published 2004 (dBMAP).</p> <p>The site is located approximately 20 metres south of No. 2 Oakfern, Glengormley, on a public footpath approximately 3 metres back from the Ballyhenry Road in front of a grass verge hosting a number of mature trees. The site boundaries are undefined.</p> <p>The surrounding area is predominantly residential in character.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history relating to the 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</p>	

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 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 the Belfast Urban Area. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

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

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

CONSULTATION

The Joint Radio Company – No objection

George Best City Airport – No objection

PSNI – No objection

Council Environmental Health Section – No objections

Department for Infrastructure Roads- Requires the telecoms mast and cabinets to be relocated to a location that does not impede the existing required visibility splays

Belfast International Airport – No objection

REPRESENTATION

Nine (9) neighbouring properties were notified, and thirteen (13) letters of objections have been received from nine (9) properties. Four (4) objection letters have been received with no address attached. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- Health and safety concerns;
- Visual impact;
- Road safety concerns;
- Impact on trees;
- Consideration to be given to other available sites; and
- Impact on the value of properties.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Appearance and Impact on the Character of the Local Area
- Impact on Environmental Quality of the Area
- Neighbour Amenity
- 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 application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. 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 (SPPS) seeks to facilitate the development of telecommunications infrastructure. Paragraph 6.235 - 6.250 of the SPPS states

that modern telecommunications are an essential and beneficial element of everyday living for the people of and visitors to this region and that it is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic well-being. The aim of the SPPS in this respect is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

PPS 10 'Telecommunications' sets out the planning policy on telecommunications development. Policy TEL 1 'Control of Telecommunications Development' states that such development will be permitted where it will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.

DCAN 14 'Siting and Design of Radio Telecommunications Equipment' sits below PPS 10 in the hierarchy of relevant documents; it provides complementary advice and advocates minimising the visual and environmental impact of equipment.

Proposals for the development of a new telecommunications mast will only be considered acceptable where the above requirements are met, and it is reasonably demonstrated that (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or (b) a new mast represents a better environmental solution than other options.

The applicant has submitted a Supporting Statement, Document 01 date stamped 5th February 2023, demonstrating the need for a new telecommunications development at this location because the cell search areas for 5G are very constrained. Due to the operational parameters of 5G, moving the search area or seeking locations a long way from the target/search area is not operationally feasible. The applicant states that several alternative sites were investigated; however, this application site is most suitable as it will fill the gap in coverage in the target area and will ensure that the signal and coverage of existing mobile users will not be diminished. The applicant has advised that site sharing is not feasible as all existing sites are working to capacity and are located at a distance from the target area.

A number of objections have raised concerns about the proposed location, stating that potential alternative sites exist nearby; however, the applicant has indicated why nearby sites are not acceptable, either due to insufficient widths of footpaths or because it will not bring the desired improvement to the mobile coverage.

For the reasons discussed above, it is considered that the principle of development is acceptable.

Design, Appearance and Impact on the Character of the Area

DCAN 14 'Siting and Design of Radio Telecommunications Equipment' highlights the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings.

The proposed development involves the installation of a single 15-metre-high telecommunications pole, with a wraparound base cabinet and the construction of three (3) separate equipment cabinets positioned adjacent to and on the

eastern side of the pole. The heights of the three (3) separate cabinets from finished ground level range from 1 metre to 1.7 metres in height and collectively span a width of 4.1 metres. The cabinet supporting the telecommunication pole is 1.5 metres in height and 2 metres in width. Both the telecommunications pole and equipment housing will be constructed in steel and finished in a grey colour powder coated finish. The chosen design for the mast is the most appropriate option to achieve the height required for the antennae. The slim line design ensures that the mast will integrate into the streetscape and blend with other street furniture such as streetlight poles and signs.

A number of objectors have raised concerns in relation to the development proposal being out of keeping with the existing character of the area. The development is located on a public footpath in an urban area, approximately 3 metres back from the Ballyhenry Road in front of a verge of grassland and trees. The siting of the proposal is set at the rearmost area of the footpath and there remains plentiful space for pedestrians to pass on foot. Although views of the column will still be possible when travelling along the Ballyhenry Road, it is considered that the nature of the equipment itself is typical of street furniture found in urban areas and the placement of the proposed equipment sits adjacent to an array of nearby existing street furniture street lighting, including a backdrop of grassland and trees. Whilst it is accepted that there will be a localised visual increase through the installation of such apparatus, it is considered that this will not overly detract from the character of the existing streetscape or indeed the wider area. Furthermore, the surrounding area is strongly urban, and it is considered that the proposed structures will not appear incongruous in the streetscape nor will they have a negative impact on the visual amenity of the area. The application site is not located within an environmentally sensitive location, nor is it positioned close to an environmentally sensitive feature.

The design and appearance of the proposed telecommunication pole and associated equipment are considered typical of such development and are acceptable for this urban area. Given the appearance of the existing streetscape, the proposal will not result in unacceptable damage to visual amenity and will not have a detrimental impact on the character of the area.

Impact on Environmental Quality of the Local Area

Policy TEL 1 of PPS 10 stipulates that development involving telecommunication equipment will be permitted where the proposed development will not result in harm to environmentally sensitive features or locations. The application site is not located within a nationally or internationally designated site, therefore, the application site is not considered to involve a sensitive location.

Objectors have raised concerns in relation to the potential damage to existing trees close to the site. There are a number of trees adjacent to the site, however, the proposed pole and equipment will be located on an existing footpath which will have disturbed the ground previously. The works are also relatively small in terms of land area and it is considered that minimal groundworks will be required for the purposes of installation. Therefore, it is not considered that the proposed works would have a significant detrimental impact upon trees close to the site.

Road Safety

A number of concerns were raised by objectors in relation to road safety. DfI Roads was consulted with regards to the development proposal and stated that the proposal will hinder visibility splays for road users at the junction of Sherwood Parks and Ballyhenry Road. The agent was requested to submit revised plans to address this matter no later than 30th March 2023. They provided a draft sketch to the Planning Section by email. The agent was advised to contact DfI Roads to discuss the acceptability of the proposed amendments prior to submitting hard copies of drawings no later than 6th April 2023. However, submission of the revised drawings has not been forthcoming.

Having considered the above, the proposal is deemed to fail the first policy objective (Section 3.1) of PPS 3 which aims to promote road safety as the applicant has failed to demonstrate that there would not be a detrimental impact upon road users entering and exiting the access associated with Sherwood Park.

Other Matters

Regulations

A number of objections were received in relation to the impact of the telecommunications mast on the health of people living nearby. Information on health issues relating to telecommunications development is set out in paragraphs 2.16 to 2.20 of PPS 10. The Government asked an independent expert group on mobile phones chaired by Sir William Stewart to report on the health effects of the use of mobile phones and from telecommunications development. Their report recommended a precautionary approach comprising a series of specific measures on the use of mobile phone technologies, which was adopted by the Government. One of the recommended measures was that emissions from mobile phone base stations should meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields.

Policy TEL 1 of PPS 10 requires that applications relating to the development of a mobile telecommunications base station when operational will meet ICNIRP guidelines. The role of the planning system regarding health considerations is set out in the justification and amplification of the policy at paragraphs 6.28 to 6.34 which states that the planning system is not the place for determining safeguards. It is for the Department of Health, Social Services and Public Safety that if a proposed telecommunications development meets the ICNIRP guidelines in all respects, it should not be necessary to consider this aspect further.

A Declaration of Conformity with ICNIRP Public Exposure Guidelines (ICNIRP Declaration, dated 8th February 2023, accompanied the planning application in relation to the proposed telecommunications installation. The ICNIRP Declaration certifies that the site is designed to be in full compliance with the requirements of the radio frequency guidelines of the International Commission on Non-Ionising Radiation Protection for public exposure as expressed in the EU Council recommendation of July 1999.

OFCOM Fixed Links

Utilising OFCOM's Spectrum Information System (SIS) the proposal has been identified as falling outside of the 200 meter Fixed Terrestrial Link consultation buffer.

The proposal will therefore not affect other forms of radio telecommunication equipment.

Objections have raised concerns in relation to the impact upon the value of resident's properties if this development were to be approved. No supporting evidence has been received and this is not considered a material planning consideration. Therefore, the issue cannot be given determining weight in the decision making process of the application.

CONCLUSION

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

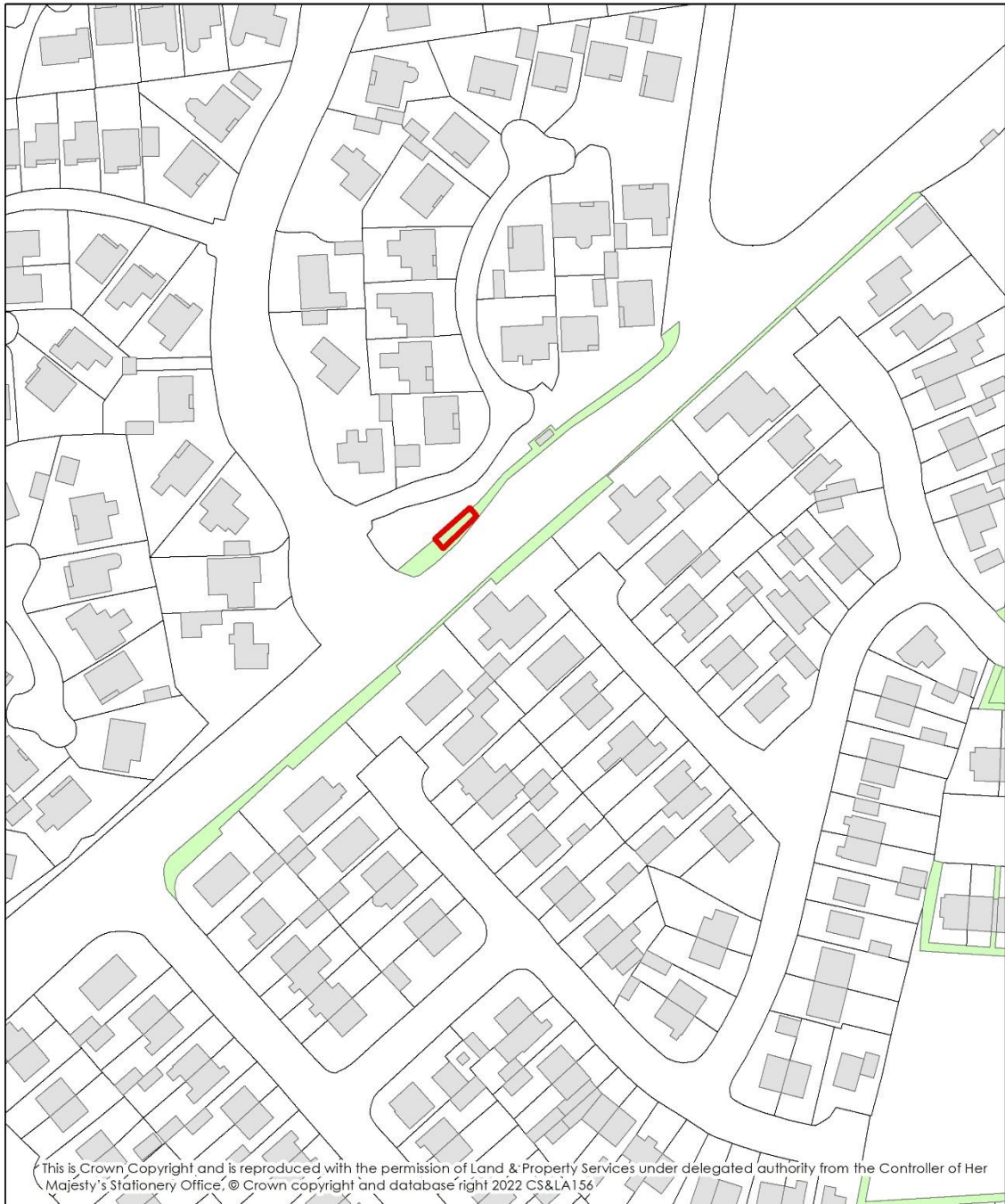
- The principle of the development is acceptable;
- The design and appearance of the development is considered acceptable;
- The proposal does not harm the environmental quality or character of the local area;
- There is no detrimental impact on residential amenity; and
- The applicant has failed to provide sufficient information to demonstrate that there will be no detrimental safety risk to road users entering and exiting Sherwood Park.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR 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, in that it has not been demonstrated that the proposed development, if permitted, would not prejudice the safety and convenience of road users because it has not been demonstrated that the proposed development would not be located within the required visibility splays.



Planning Application Reference: LA03/2023/0112/F

Location: Lands 20m south of No.2 Oakfern
Glengormley, Newtownabbey

Proposal: Installation of a 15m telecommunications monopole
and ancillary development

Scale: 1:1250



Site Location



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2023/0161/F
DEA	THREE MILE WATER
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Installation of a 18m high telecommunications slim-line monopole, supporting 6 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development.
SITE/LOCATION	Land approximately 5 metres southeast of 8-8A Railway Court, Jordanstown Road and lands opposite 93 Jordanstown Road, Jordanstown, BT37 0QZ
APPLICANT	CK Hutchison Networks (UK) Ltd.
AGENT	CK Hutchison Networks (UK) Ltd.
LAST SITE VISIT	13th April 2023
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands approximately 5 metres southeast of Nos. 8-8A Railway Court, Jordanstown Road and on lands opposite No. 93 Jordanstown Road, Jordanstown. The site is located within the Metropolitan Newtownabbey Area as defined within the draft Belfast Metropolitan Area Plan and within the Lenamore Area of Townscape Character in the Belfast Urban Area Plan (BUAP) and (Zoning MNY 33) as designated within the draft Belfast Metropolitan Area Plan (published 2004).</p> <p>The proposed telecommunications mast is situated on a footpath approximately 2.5 metres back from the roadside in front of a 1-metre-high hedge that defines the north-eastern boundary of the Railway Court apartment development. A mature row of deciduous trees, approximately 7 metres in height, also defines this boundary.</p> <p>The surrounding area is predominately residential in character. Jordanstown Railway station is located approximately 40 metres northwest of the application site.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 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 Belfast Urban Area settlement limit and within the Lenamore Area of Townscape Character (ATC). Development Guidance Note 3K Lenamore (DGN 3K) addresses the specific characteristics of the existing ATC within which the application site sits. DGN 3K recognises that 'the narrow unadopted roads with no footpaths bordered by mature trees and hedges together with the spacious layout gives this area its unique character' and that 'the retention of existing mature vegetation will help to ensure the setting of existing buildings is maintained'. It also acknowledges that the character of the area could be threatened by design changes, inappropriate infill developments, and loss of mature landscaping. It places significant emphasis on the protection of mature trees and hedges along the narrow roads, which contributes to its particular character. DGN 3K states that one of its objectives is to protect and enhance the character of the area.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey, within the Lenamore Area of Townscape Character (Zoning ATC 2).

NAP states that the Lenamore area contains a mixture of dwellings ranging from large detached Victorian properties to small, terraced houses together with some modern properties. The character is derived from the inter-relationship that exists between the spacious layout of houses, the network of narrow roads and the generous distribution of mature trees and hedges. This character will be retained.

NAP also states that within the urban part of Newtownabbey Borough there are a number of 'urban villages', which includes Jordanstown. These are previous rural settlements which have been engulfed by the growth of the Belfast Urban Area. A majority of the people living in the urban area think of themselves as residents of one or other of these former villages rather than of Belfast or Newtownabbey. Within each urban village public awareness has tended to focus on the identity of

each place, environmental improvement, design and use of external materials, external colour schemes in street frontages, the use and positioning of signs and general landscaping to upgrade areas of poor visual quality. Proposals which heighten public awareness and improve the sense of identity of these urban villages will be encouraged.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey within an Area of Townscape Character: Lenamore (Zoning MNY 33).

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

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

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

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

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

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

CONSULTATION

The Joint Radio Company – No objection

George Best City Airport – No objection

PSNI – No objection

Council Environmental Health Section – No objections

Department for Infrastructure Roads- Require further info. In relation to visibility splays to be shown on plans and proposed equipment moved behind these.

Belfast International Airport – No objection

REPRESENTATION

Forty-four (44) neighbouring properties were notified, and five (5) letters of objections have been received from five (5) properties.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk> and the Council's website, under additional information.

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

- The monopole is too tall and not in keeping with the character of the ATC;
- Prominence;
- Negative impact upon appearance of Railway Court;
- Disruption to traffic during the construction phase;
- Better alternative positions should be considered.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development;
- Design, Appearance and Impact on the Character of the Local Area;
- Impact on Environmental Quality of the Area;
- Neighbour Amenity;
- 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 application site is located within the development limits of the Belfast Urban Area as defined within the Belfast Urban Area Plan (BUAP) and within the development limits of Metropolitan Newtownabbey as defined in the draft Belfast Metropolitan Area Plan (dBMAP) published in 2004. The site is also located within the Lenamore ATC.

The Strategic Planning Policy Statement (SPPS) seeks to facilitate the development of telecommunications infrastructure. Paragraph 6.235 - 6.250 of the SPPS states that modern telecommunications are an essential and beneficial element of everyday living for the people of and visitors to this region and that it is important to continue to support investment in high quality communications infrastructure which plays a vital role in our social and economic well-being. The aim of the SPPS in this respect is to facilitate the development of such infrastructure in an efficient and effective manner whilst keeping the environmental impact to a minimum.

PPS 10 'Telecommunications' sets out the planning policy on telecommunications development. Policy TEL 1 'Control of Telecommunications Development' states that such development will be permitted where it will not result in unacceptable

damage to visual amenity or harm to environmentally sensitive features or locations.

DCAN 14 'Siting and Design of Radio Telecommunications Equipment' sits below PPS 10 in the hierarchy of relevant documents; it provides complementary advice and advocates minimising the visual and environmental impact of equipment.

Proposals for the development of a new telecommunications mast will only be considered acceptable where the above requirements are met, and it is reasonably demonstrated that (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or (b) a new mast represents a better environmental solution than other options.

The applicant has submitted a Supporting Statement, Document 01, demonstrating the need for a new telecommunications development at this location. The document explains that the cell search areas for 5G are very constrained and due to the operational parameters of 5G, moving the search area or seeking locations a long way from the target/search area is not operationally feasible. The applicant states that several alternative sites were investigated; however, the application site was determined to be most suitable as it will fill the gap in coverage in the target area and will ensure that the signal and coverage of existing mobile users will not be diminished. The agent states that site sharing is not feasible as all the existing sites are working to capacity and are located at an unacceptable distance from the target area.

For the reasons discussed above, it is considered that the proposal is in accordance with TEL 1 of PPS 10 and the principle of development is acceptable.

Design, Appearance and Impact on the Character of the Area

The application site is located within the Lenamore ATC within BUAP and as such consideration shall be given to the Addendum to PPS 6 'Areas of Townscape Character'. The designation of the ATC in draft BMAP (published 2002) is also a material consideration. DCAN 14 'Siting and Design of Radio Telecommunications Equipment' highlights the fundamental principle in siting and designing equipment is to minimise the contrast between the equipment and its surroundings.

The plans which accompanied the planning application are indicated to have been drawn to scale 1:100, however, there are discrepancies with regards to the description of the height of the proposed development and the scaled elevations. For example, the telecommunications pole is stated as being 18 metres in height but measures 11 metres on the plans that accompanied the planning application. A request to the agent for amended plans to be submitted no later than 14th April 2023, has not been forthcoming. Notwithstanding this, the proposed height as indicated in the description of the development will be considered below.

The proposed development is located on the public footpath, approximately 2.5 metres back from the Jordanstown Road. The proposal is located in front of a mature hedge and trees along the north-eastern boundary of the Railway Court apartment development; and as such there remains sufficient space for pedestrians to pass.

The proposal includes the installation of a single 18-metre-high telecommunications slim-line monopole, supporting six (6) antennas, two (2) equipment cabinets, one (1) electric meter cabinet, and ancillary development. The proposed cabinets measure 1.5 metres in height which equates approximately to the height of the hedge directly to the rear of where the development is to be sited. The proposed height of the mast has been determined by the number of antennae to be supported.

A number of objectors raised concerns that the proposed telecommunications mast is too tall and would, if approved, damage the character of the area and have a detrimental impact on the ATC. Policy ATC 2 New Development in an Area of Townscape Character of the Addendum to PPS 6, states that new development in an ATC will only be permitted where the development maintains or enhances its overall character and respects the built form of the area. In addition, the aforementioned Development Guidance notice (DGN) known as DGN 3K which relates to the Lenamore ATC, states that development proposals within this designated area, should protect and enhance the character of the area, and care must be taken with new proposals not to affect the character of the area.

Given the height of the proposed telecommunication mast and its prominent position along the roadside of this leafy suburban location, it is considered that it will have a detrimental impact on the visual character of the Lenamore ATC. The height of the mast (18m) will extend at least 10 metres above the roadside vegetation and will appear prominent in the streetscape. It is considered that the proposed development will dominate the immediate surroundings of the area and critical views of the proposed telecommunications mast will be evident when travelling in both directions along the Jordanstown Road. Given the height, siting and design of the development proposal, it is considered that it would adversely impact the character of the area and as such fails to comply with DGN 3K of BUAP and Policy ATC 2 of the Addendum to PPS 6, as the proposed development would be visually intrusive in the streetscape.

Impact on Environmental Quality of the Local Area

Policy TEL 1 of PPS 10 stipulates that development involving telecommunication equipment will be permitted where the proposed development will not result in harm to environmentally sensitive features or locations. The application site is not located within a nationally or internationally designated site, therefore, the application site is not considered to involve a sensitive location. In addition, it is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Neighbour Amenity

The Council's Environmental Health Section has been consulted with respect to the development proposal and has raised no issues or objection with regards to potential noise from the new telecommunications column and equipment housing. Therefore, it is considered that the development proposal will not result in a detrimental impact on residential amenity.

Road Safety

DfI Roads was consulted with regards to the development proposal and requested additional information, including the provision of visibility splays to be shown from the entrance of Railway Court and for the proposed equipment to be located behind the splays. The agent was requested to submit the required amendments no later than 19th April 2023; however, the amended plans have not been forthcoming. As it has not been demonstrated that the proposed development, if permitted, would not prejudice the safety and convenience of road users because it has not been demonstrated that the proposed development would not be located within the required visibility splays, the proposal must be deemed unacceptable in its current form.

A number of objectors raised concerns relating to road safety and given the aforementioned required revisions to the plans requested by DfI Roads, these concerns cannot be disregarded.

Having considered the above, the proposal is deemed to fail the first policy objective of PPS 3 which promotes road safety, for pedestrians, cyclists and other vulnerable road users, in that the applicant has failed to demonstrate there would not be a detrimental impact upon road users entering and exiting the access associated with Railway Court.

Other Matters

Regulations

Information on health issues relating to telecommunications development is set out in paragraphs 2.16 to 2.20 of PPS 10. The Government asked an independent expert group on mobile phones chaired by Sir William Stewart to report on the health effects of the use of mobile phones and from telecommunications development. Their report recommended a precautionary approach comprising a series of specific measures on the use of mobile phone technologies, which was adopted by the Government. One of the recommended measures was that emissions from mobile phone base stations should meet the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields.

Policy TEL 1 of PPS 10 requires that applications relating to the development of a mobile telecommunications base station when operational will meet ICNIRP guidelines. The role of the planning system regarding health considerations is set out in the justification and amplification of the policy at paragraphs 6.28 to 6.34 which states that the planning system is not the place for determining safeguards. It is for the Department of Health, Social Services and Public Safety that if a proposed telecommunications development meets the ICNIRP guidelines in all respects, it should not be necessary to consider this aspect further.

A Declaration of Conformity with ICNIRP Public Exposure Guidelines (ICNIRP Declaration, dated 8th February 2023, accompanied the planning application in relation to the proposed telecommunications installation. The ICNIRP Declaration certifies that the site is designed to be in full compliance with the requirements of the radio frequency guidelines of the International Commission on Non-Ionising Radiation Protection for public exposure as expressed in the EU Council recommendation of July 1999.

OFCOM Fixed Links

Utilising OFCOM's Spectrum Information System (SIS) the proposal has been identified as falling outside the 200 metre Fixed Terrestrial Link (FTL) consultation buffer.

CONCLUSION

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

- The principle of the development has been established and is acceptable;
- The design and appearance of the development is considered to be unacceptable due to inaccurately scaled plans;
- The proposal causes unacceptable harm to the environmental quality or character of the local area, namely the ATC;
- There is no detrimental impact on residential amenity; and
- The applicant has failed to demonstrate that there will be no detrimental safety risk to road users entering and exiting Railway Court.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and the Addendum to PPS 6, Areas of Townscape Character, and the Development Guidance Note 3K Lenamore (DGN 3K) of the Belfast Urban Area Plan, draft Belfast Metropolitan Area Plan and draft Newtownabbey Area Plan, as the proposed development would be visually intrusive in the street scape and would have a detrimental impact on the Lenamore Area of Townscape Character.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 3, Access, Movement and Parking, as it has not been demonstrated that the proposed development, if permitted, would not prejudice the safety and convenience of road users because it has not been demonstrated that the proposed development would not be located within the required visibility splays.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 10, Telecommunications, in that sufficient accurately scaled drawings have not been provided to determine if there will be a detrimental impact upon the visual amenity of the site and the surrounding area.



Planning Application Reference: LA03/2023/0161/F

Location: Land approximately 5 metres southeast
of 8-8A Railway Court,
Jordanstown Road, Newtownabbey

Proposal: The installation of a 18m high slim-line monopole
and ancillary development

Scale: 1:1250



Site Location



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2022/1049/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of beauty salon in rear garden of dwelling operating from a modular building
SITE/LOCATION	6 Temple Hall, Ballyclare, Templepatrick, BT39 0FH
APPLICANT	Grace Dunlop
AGENT	Arca Design
LAST SITE VISIT	1st February 2023
CASE OFFICER	Leah Hingston Tel: 028 90340403 Email: leah.hingston@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 6 Temple Hall which is within the development limits of Templepatrick village as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site comprises a semi-detached dwelling and the subject modular unit which serves a beauty salon. The site boundaries to the rear of the dwelling are provided by a 1.8-metre-high close boarded fence and the fencing runs alongside the modular unit defining part of the north-western boundary. The remainder of the north-western and south-eastern boundaries are undefined, as is the north-eastern boundary within this open plan housing development.</p> <p>The site is located within a residential housing development known as Temple Hall which has a mix of two storey detached and semi-detached properties finished in brick and render. To the east and south of the Temple Hall development, the area becomes rural in nature as it is located on the periphery of Templepatrick village. There are residential properties to the west and north of Temple Hall and Templepatrick Primary School and Wallace Park are located to the northwest.</p>	
RELEVANT PLANNING HISTORY	
<p>Reference: T/2013/0375/RM Location: Lands south of temple rise adjacent to Lylehill Road & 7 Kilmakee Road Templepatrick BT39 Proposal: Proposed residential development consisting of 105 no. detached & semi-detached dwellings and all other associated site works. Includes new access via a new mini - roundabout located on the Lylehill Road, Templepatrick (based upon outline ref T/2011/0055/O) Decision: Permission Granted (23rd September 2014)</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 within the settlement limit of Templepatrick village as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

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

CONSULTATION

DFI Roads- No objection

Environmental Health- No objection subject to condition

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and regional planning policy is also material to the determination of the proposal. The application site is within the settlement limit of Templepatrick village as defined by the AAP however, there are no specific operational policies relevant to the determination of the application in the plan.

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

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

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

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

The SPPS states that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment area and meet the requirements of policy elsewhere in the SPPS.

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

Scale, Massing, Design and Appearance

The modular building is sited adjacent to the north-western common boundary and has a width of approximately 3 metres, a depth of 3.7 metres and a flat roof with a height of approximately 2.7 metres. The modular building is of an acceptable scale and appearance, it is finished in grey and timber cladding with a single door and window on the principal (north-eastern) elevation. The building

has no signage to indicate that it operates as a beauty salon and has the external appearance of a domestic garden room or shed.

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

Neighbour Amenity

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

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

Amenity Space, Parking and Manoeuvring

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

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

CONCLUSION

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

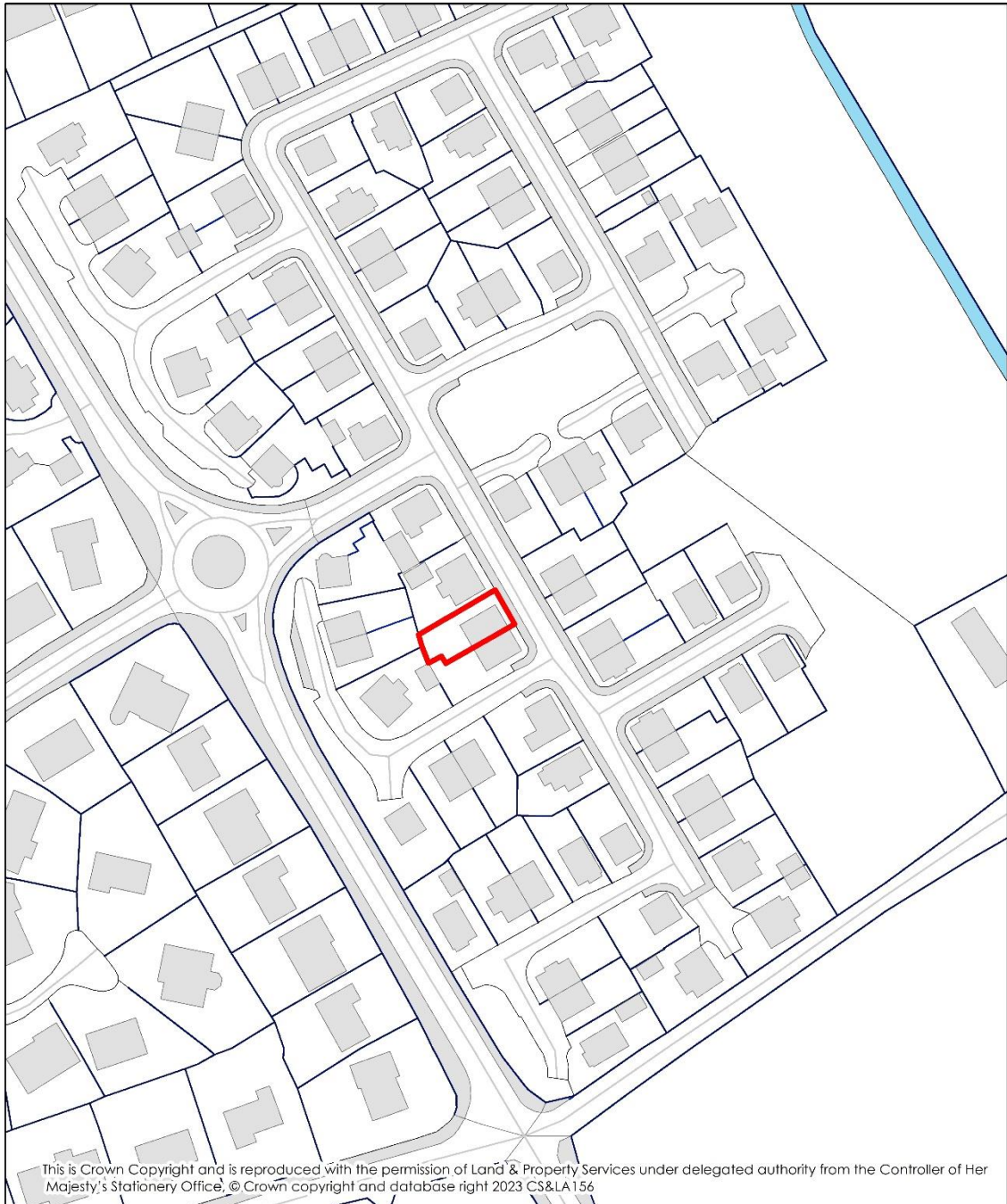
- The principle of development is considered unacceptable;
- The proposed design and appearance of the proposal is considered acceptable;
- The proposal does not have a significant detrimental impact on neighbour amenity; and
- Sufficient parking provision remains on site.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that the beauty salon lies outside any designated town centre or other retailing area within Templepatrick and it has not been demonstrated that a suitable site does not exist within the town centre or other retailing area.



Planning Application Reference: LA03/2022/1049/F

Location: 6 Temple Hall, Templepatrick

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

Scale: 1:1250



Site Location



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2023/0164/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed new access, security fencing and entrance gate
SITE/LOCATION	Lands at the junction with Long Rig Road and Tully Road, approximately 180m southeast of 2A Long Rig Road, Nutts Corner
APPLICANT	Tamar (Selby) Ltd.
AGENT	Stephen Duncan
LAST SITE VISIT	20th March 2023
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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands at the junction of the Long Rig Road and Tully Road, within the countryside outside of any development limit as defined by the Antrim Area Plan 1984-2001. The site is accessed via an entrance at the north-eastern corner of the site off the Long Rig Road. Most of the site area is open grassland with a sizeable amount of hardstanding along the eastern and western sections and a larger area towards the northern section of the site.</p> <p>Large, mature deciduous trees define the north-western site boundary. The remaining site boundaries are undefined. The site was previously enclosed by a one (1) metre high ranch-style wooden fence, which has been removed, resulting in open roadside boundaries along the Tully Road and Long Rig Road. The topography of the site is relatively flat, with no significant falls in any direction.</p> <p>The area is rural in character and the application site is surrounded by agricultural fields and flanked by the Long Rig Road and Tully Road on two sides. Erwin Agri-care, a commercial premises is located to the south on the opposite side of the Tully Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Reference: T/2004/0841/O Proposal: Erection of Warehouse & Distribution Units Location: Lands to North & Northeast of Nutts Corner Roundabout, Between Tully Road & Belfast Road, Nutts Corner, Crumlin Decision: Appeal Dismissed</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, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

No consultations were carried out as part of the application process.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted.

The applicant's agent submitted a Supporting Statement, Document 01 date stamped 28th March 2023, which stated there was an anti-social behaviour issue on the surrounding lands, which includes trespassing and the gathering of cars. The agent stated that the applicant feared this anti-social behaviour would occur on his site and therefore required fencing to seal off the site from potential intruders. No evidence by way of police reports was presented to indicate anti-social behaviour occurring close to or on the application site.

Given the agricultural nature of the land it is considered that Policy CTY 12 Agricultural and Forestry Development of PPS 21 is the most appropriate policy under which to assess the development proposal and details five specific criteria:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

Policy CTY 12 states that planning permission will only be granted for development on an active and established agricultural holding. The applicant's agent confirmed on 30th March 2023 that the applicant is a farmer, however, no supporting documentation, including a P1C Form, farm maps or herd numbers etc, was received to confirm this assertion. It is therefore considered that the principle of development is not acceptable.

Integration and Design

The north-western site boundary is defined by mature trees approximately 10 metres in height. A 2.4-metre-high paladin fence is proposed along the remaining site perimeter. Both vehicular and pedestrian access gates are proposed at the north-

eastern corner, at the existing site access. The proposed pedestrian gate is 1.2 metres wide and 2.4 metres in height. The proposed vehicular access comprises two (2) three (3) metre wide gates, also 2.4 metres in height. The proposed paladin fence and gates extend approximately 335 metres along the site perimeter, in close proximity to the public road network.

A post and wire fence approximately 1 metre in height, with a native hedgerow and trees planted on the inside with a secure gate is considered a more appropriate boundary treatment for agricultural land. This arrangement would have the desired impact of preventing cars from entering the site and would make it more difficult for trespassers to gain access.

The roadside site is extremely open with the roadside boundaries having been removed and currently undefined. Critical views into the site are evident to traffic approaching the Nutts Corner roundabout from both the Tully Road and Long Rig Road. These views become more apparent when traffic slows and queues close to the roundabout. The proposed 2.4-metre-high paladin fencing will not integrate with the surroundings given the flat topography and the lack of vegetation, features and buildings on the site. As such the proposed fencing will appear industrial in nature and incongruous in the local landscape. It is therefore considered that this criterion has not been satisfied.

Impact on the Character of the Area

Other agricultural fields around the Nutts Corner roundabout are principally defined by timber post and rail fencing, approximately 1 metre in height. There is evidence of paladin fencing, similar to that proposed, on surrounding land to the southwest of the application site, however, this encloses an established, commercial site (Erwin Agri-Care). It is noted from Google Streetview that a 1-metre-high timber post and rail fence enclosed the application site as recently as 2022. It is unclear why this was removed particularly as the applicant's agent has expressed concerns with regards to trespassing on the site. The development proposal is considered to be more suited to an industrial or commercial setting and given this rural location and the existing agricultural land use, it is considered to be out of character with the surrounding area and incongruous in the rural setting.

It is considered there is no justification for the use of such an industrial/commercial type fencing to be used in the open countryside and would negatively impact upon the site and surrounding area.

Other Matters

It is considered there will be no adverse impact upon the natural or built heritage by way of this development. Given there is an existing vehicular access serving the site and the application proposes a similar vehicular and pedestrian access, it is considered that there will be no significant detrimental impact on road safety, surrounding residential properties. The closest neighbouring residential property to the site is No. 2A Long Rig Road, located approximately 20 metres beyond the north-western boundary of the site. As this boundary is defined by mature trees there will be little inter-visibility between the two sites. The proposed erection of fencing will not have a significant detrimental impact upon this or any other dwellings in the nearby vicinity.

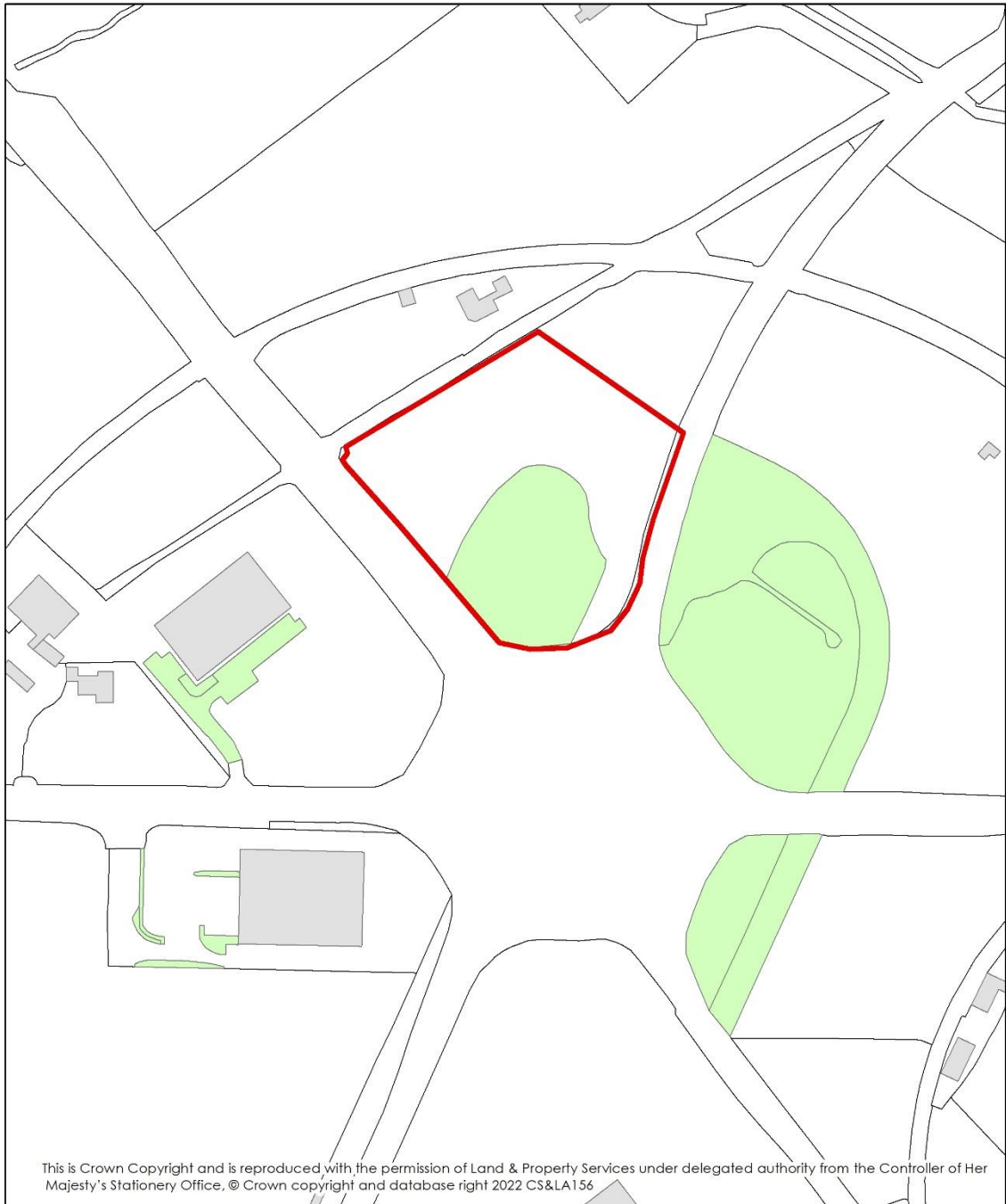
CONCLUSION

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

- The principle of the development cannot be established under CTY 12 of PPS 21;
- The design of the proposed fencing is unacceptable in terms of visual amenity, scale and the impact on rural character; and
- The proposal will not result in any significant detrimental impact on neighbour amenity.

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 CTY 1 and Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development, if approved, would not be necessary for the efficient use of an agricultural holding; would not be appropriate in terms of visual impact, scale and impact on the character of the rural area.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development, if permitted, would damage rural character.



Planning Application Reference: LA03/2023/0164/F

Location: Lands at the junction with Long Rig Road and Tully Road, Nutts Corner

Proposal: Proposed new access, security fencing and entrance gates

Scale: 1:2500



Site Location



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2022/1064/F
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Demolition and extension to existing dwelling and one additional dwelling and associated site works
SITE/LOCATION	27 Station Road Randalstown BT41 2AE
APPLICANT	Martin Donnelly
AGENT	Whittaker and Watt Architects
LAST SITE VISIT	23 rd January 2023
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Preliminary Matters

This application was previously scheduled to be considered at the April 2023 Planning Committee with a recommendation to refuse. The following refusal reasons were recommended:

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the Addendum to PPS 7, safeguarding the Character of Established Residential Areas, in that the proposed development;
 - a) Would result in a pattern of development that would not respect the layout of the existing residential dwellings;
 - b) Would not result in a quality residential environment given the poor outlook for the proposed dwelling;
 - c) Would result in a significant detrimental impact on neighbour amenity in regard to overlooking and dominance on both existing and proposed dwellings.

A revised proposal was submitted to the Council on the 13th April 2023 and 17th April 2023 which proposed a material change to the application which reduced the proposal down to one additional dwelling. The application was subsequently withdrawn from the schedule for the April 2023 Planning Committee to allow for re-neighbour notification and consideration of the revised proposal. The description of the application now reads, "Demolition and extension to existing dwelling and one additional dwelling with associated site works".

Design, Layout and Impact on Character and Appearance of Area

As indicated above the amendment to the application has reduced the number of units within the application site. The proposal now includes an extension and alterations to the existing dwelling (No. 27) and the addition of only one dwelling. The dwelling previously proposed to the west of the application site (dwelling 1) has been removed from the proposal.

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy QD1 goes on to state that all proposals for residential development will be expected to conform to nine criteria. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of the proposed development both in terms of its contribution to the amenity of the local neighbourhood and the wider streetscape.

The proposal includes amendments to the extension of the existing dwelling as demonstrated on Drawing 06/2 date stamped 13th April 2023. The proposed changes include a single storey side extension in place of a single storey rear extension. The proposed side extension projects from the western gable of the existing dwelling and measures 3.6 metres by 3.5 metres and features a pitched roof with an overall ridge height of 4.1 metres. The proposed side extension requires the removal of an external store and integrated garage. The private amenity area proposed to serve the existing dwelling has also changed and includes an area of lands towards the rear and western side of the existing dwelling. These changes are considered acceptable. The proposed dwelling is located to the eastern section of the application site. The siting of the proposed dwelling has been relocated approximately 1 metre to the northwest of the previous siting providing a greater separation distance between the proposed dwelling and No. 33 Station Road with the orientation of the dwelling facing in a north-western direction to allow a greater road frontage. The proposed dwelling matches the design of the previous dwelling designed for the site which comprised a two storey dwelling with a maximum ridge height of 7.5 metres and includes a single storey side and rear annex with a maximum ridge height of 4.6 metres. The proposed dwelling features a two storey front gable projection and two partial dormers expressed along the principle elevation.

Policy QD 1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site. The revised scheme as demonstrated on Drawing No. 04/2 date stamped 17th April 2023 has removed the proposed dwelling to the front of No. 27A. The proposed dwelling to the eastern section of the application site has relocated approximately 1 metre to the west and re-orientated the frontage in a north-western direction to face away from the existing dwelling (No. 27). The removal of this dwelling and the re-orientation of the proposed dwelling has overcome the previous reason for refusal, as the proposal is no longer considered to create a poor quality residential environment. The resulting relationship provides sufficient separation distances from all dwellings directly bordering the boundaries of the site.

Overall, the layout of the proposed development and the relationship with the adjoining dwellings, including the existing topography is in keeping with the overall character and environmental quality of the established residential area.

Neighbour Amenity

The revised proposal includes the removal of a dwelling which was previously situated to the front of neighbouring dwelling No. 27A. This has removed the unacceptable front-to-rear relationship created by the previous proposal. In addition, the re-orientation of the remaining proposed dwelling towards the public road has removed the previous direct relationship created between the proposed

dwelling and the gable of No. 27 (existing dwelling). Furthermore, the re-arranged private amenity area proposed to serve the existing dwelling (No.33) towards the western section of the site prevents any overlooking of the private amenity occurring from the proposed dwelling.

It is noted that the first floor windows proposed to the front elevation of the proposed dwelling would achieve views across part of the private amenity space associated with No.33 Station Road. Views achieved towards this section of the amenity space are not considered to comprise part of the neighbour's private area and the overall section likely to be impacted is a narrow corner of land directly adjacent to the public road which is already overlooked. Therefore, it is considered that any views achieved towards this neighbouring property would not be so significant to warrant a refusal of the application.

There are no first floor windows located on either gable of the proposed dwelling therefore it is considered that the proposed dwelling would not create any significant overlooking into the habitable windows located on the gable of No. 33 Station Road or into the most private area associated with this neighbour. The proposed dwelling is located approximately 10 metres from No. 33 at its closest point with an angled gable-to-gable relationship. The revised siting of the proposed dwelling has increased the separation distance from this neighbouring property by 5 metres. In addition, the relocation of the proposed dwelling also increases separation distances from neighbouring properties No's 73 and 78 Ashdale to the south, to the rear of the site. Overall, the revised scheme provides a greater level of separation distance from this neighbouring dwelling and therefore improves the overall relationship between dwellings.

The proposed first floor windows positioned to the rear elevation serve a bedroom and ensuite. The bedroom window is located to the northern side of the rear elevation facing over the private amenity area serving the proposed dwelling. The orientation of the dwelling prevents any direct relationship with the neighbouring dwellings No's 73 and 78 Ashdale. The ensuite window would have a greater impact on No. 73 Ashdale given the proximity of the dwelling at this location to the common boundary. It is recommended that a condition is imposed to ensure that this window is finished with obscure glazing to prevent any overlooking to occur across to this neighbour.

For the reasons outlined above it is considered that the proposal meets criterion (h) of policy QD 1 in that the design and layout does not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Other Matters

In relation to land contamination, a Preliminary Risk Assessment (PRA) prepared by RSK Ireland Ltd (RSK) under Document 01 date stamped 14th March 2023 was submitted. The PRA identified that the proposed development has low to very low risks to the water environment and recommends that no further investigation is required. DAERA's Regulation Unit Land and Groundwater Team (RULGW) have been consulted to determine the potential risks of land contamination and the implications that this would have on the groundwater environment. RULGW support this conclusion and have no objections to the development subject to conditions.

Concluding Matters

It is considered that the additional information submitted materially changes the circumstances and has warranted a change in the recommendation. The recommendation is now to grant planning permission.

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 first floor window on the southeastern facing elevation of dwelling No. xx as indicated in pink shall be fitted with obscure glazing in accordance with Drawing No. 10 date stamped 17th April 2023. This obscure glazing shall be retained for the lifetime of the development.

Reason: To protect the amenity of the neighbouring dwelling at No. 73 Ashdale, Randalstown.

3. The existing vegetation as indicated on approved Drawing No. 05/1 date stamped 13th April 2023 shall be retained at a minimum height of 2 metres for hedging/shrubs and 4 metres for trees and shall be allowed to grow on or as agreed in writing with the Council.

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

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

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

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

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

6. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted and agreed in writing with Council before being implemented.

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

7. If during the development works, new contamination or risks to the water environment 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/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

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

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

9. A suitable dedicated surface water solution shall be provided and agreed in writing with the Council prior to the commencement of any other development hereby permitted. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006, for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from this site.

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

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 original planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

12. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05/2 bearing the date stamp 17th April 2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

14. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No. 05/2 bearing date stamp 17th April 2023 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.



Site Location Plan


Application Reference: LA03/2022/1064/F

Demolition and extension to existing dwelling, 2 additional dwellings and associated site works

27 Station Road Randalstown BT41 2AE

0 30 60
Metres



 Site boundary



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2022/0913/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of agricultural building (retrospective application)
SITE/LOCATION	50m South-West of 43 Belfast Road, Nutts Corner, BT29 4TH
APPLICANT	Gerard Damien Campbell
AGENT	Park Design Associates
LAST SITE VISIT	8 th September 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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 50 metres southwest of No. 43 Belfast Road. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>This retrospective application site consists of a large portal framed building which has been constructed with shuttered concrete walls and corrugated iron cladding and roofing. The western and south-eastern boundaries of the application site are defined by a tree lined hawthorn hedgerow between 2 and 5 metres in height. The northern roadside boundary is defined by a 2-metre-tall hawthorn hedgerow, with a 1.5-metre-tall wall partially defining this boundary. The eastern boundary is a tree lined hedgerow between 5-7 metres in height.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0715/O Location: 85m South-West of 43 Belfast Road, Nutts Corner, BT29 4TH Proposal: Site for dwelling and detached garage Application under consideration</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <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</p>	

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Department for Infrastructure Roads- No objection

Department for Communities Historic Environment Division - No objection

REPRESENTATION

Three (3) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of its council area. The SPPS retains some existing Planning Policy Statements (PPS) one of which is 'Sustainable Development in the Countryside' (PPS21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to say that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

One of these types of development is for development on an active and established agricultural or forestry holding in accordance with the provisions of Policy CTY 12 of PPS21. For the purposes of defining an active and established farm, paragraph 5.56 of Policy CTY 12 indicates that the definition of an active farm is the same as that provided within Policy CTY 10. A concurrent application for a dwelling on a farm for the abutting site to the west under planning application Ref: LA03/2022/0715/O has been received by the Council from the same applicant using the same Farm Business ID. DAERA's Countryside Management Branch has been consulted on the application under Ref: LA03/2022/0715/O and has responded to confirm that the Farm Business ID was issued on 11th November 1991. It is noted in DAERA's response, that the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri-Environment Schemes in each of the last six (6) years. It is therefore considered that the farm business is active and established.

DAERA's consultation response identifies the application site within lands for which payments are currently being claimed by the farm business. Initially, the submitted farm maps were incomplete, providing no reference to the applicant's Farm Business ID (Document 02, date received 19th October 2022). A complete set of farm maps was requested from the agent and subsequently, the farm maps accurate to 15th January 2021 were submitted (Document 04, date received 29th November 2021), however, the fields surrounding and including the application site are missing from this set of farm maps.

Information was requested, seeking clarification on the applicant's interest in the lands. To this extent the applicant provided a copy of a conacre agreement relating

to a further four (4) parcels of land (Documents 07 and 08, date received 7th March 2023), which was inclusive of the application site and the adjoining fields. Document 08 states that the 24 acres surrounding and including the application site is being taken in conacre from Gary Bates between 1st June 2022 until 1st November 2022 or until the purchase of the lands has been completed. It further stipulates that if the purchase of the lands has not been completed by 1st April 2023, the rental will be renewed until 1st November 2023. Evidence of the purchase of the lands (Document 05, date stamped 29th November 2022) was submitted in the form of an email forwarded by the agent from Flynn and McGettrick Solicitors confirming that they have been instructed by Gary Bates to sell the lands to the applicant. The agent was contacted via email on 27th March 2023 for an update on the sale of the lands. In their response (Document 09, date received 31st March 2023) it is explained that the purchase has not yet been completed and the solicitors are still dealing with some queries. Up to date farm maps (Document 04/1, date received 31st March 2023) were received and show the additional lands, including those that envelope the application site, have since been incorporated within the applicant's holding since 15th January 2021.

Within the application site, there is one (1) existing agricultural building that according to the submitted Planning Statement (Document 01, date received 19th October 2022) is no longer fit for purpose for modern day farming. This building is 14 metres long by 14 metres wide, providing an approximate floorspace of 196sqm. The subject shed has a length of 21.3 metres, a depth of 33.4 metres and a ridge height of 8.3 metres, providing a substantial 711sqm of floorspace. The need for the shed according to Document 01 is for stables, tack room, horse lorry, horse box, winter housing for sheep, lambing pens, sheep lorry, tractor, trailer, farm machinery, bales of hay, animal feeds etc. Document 01 further explains that this building is appropriate to its location in terms of its character and scale as it is located beside an existing farm shed and is of a size that is needed for the farm business (sheep and horses).

It is noteworthy that the applicant has an existing agricultural holding at his principal farm complex at Derriaghy Road Lisburn which is approximately 10 miles from the application site. Document 06/1 (date received 7th March 2023) explains the necessity of the building for the efficient use of the agricultural holding and indicates that the applicant's home farm at No. 29 Derriaghy Road, Lisburn is too far removed from Nutts Corner to service the lands that he farms there, with the journey taking 20 minutes by car and over 30 minutes in a livestock lorry. Using Google Maps, it is evident that the length of time to travel from the applicant's farm in Lisburn to their land at 51 Ballyutoag Road and the Hightown Road are 20 minutes (10 miles) and 22 minutes (12.3 miles) respectively. This is the same journey time taken to travel to the application site from 29 Derriaghy Road. Whilst it is acknowledged that the application site is 4.6 miles and 7.1 miles from the respective parcels of land named, the journey time to each parcel of land does not significantly vary from the applicant's home farm.

To allow the agent an opportunity to fully articulate the need for this shed, and why the size and scale are required, the agent was contacted via email to provide further reasoning. Document No. 09 (date stamped 31st March 2023) was submitted which reiterates the existing shed being too small for modern day farming and that due to there being steel uprights in the middle of it, the only vehicles that could be stored in it are two horse boxes with the horse lorry being unable to fit in it. The agent further

explains that this building would require renovations or would be demolished as it is unsightly compared to the new building. Should it be retained, it will be used to retain small items of farm machinery plus holding pens holding animals that would need to be seen by a vet or to house animals which need to be put into isolation. Regarding the subject building, Document No. 09 explains that the main purpose of this building is to provide stables for horses with ancillary equestrian materials, plus room for a horse lorry, horse boxes and for large farm machinery. Drawing No. 03/1 (date received 31st March 2023) shows the breakdown of the floor space within the shed. This is as follows:

Intended Use	Floor Space (sqm)	Percentage Floor Space
Stables and ancillary equestrian areas	261	37%
Gangway	210	30%
Sheep housing and ancillary storage	123	17%
Farm vehicles and machinery to include horse transportation	117	16%
Total Floor Space	711	100%

Whilst the agent contests that another building at the applicant's home farm would not be helpful, the application site benefits from having an existing building that is described as being too small for modern agricultural standards. However, the agent has been given two (2) opportunities to justify the need for this building and its scale at this location. The largest section of this building relates to the stables and ancillary equestrian function which also includes the storage of horse lorries and boxes. Whilst Policy CTY 10 of PPS21 affords the same benefits as an established and active farm to equine businesses, sufficient information needs to be provided to demonstrate a level of involvement commensurate with commercial activity over the requisite 6 years. No information has been submitted to substantiate the requirement for this level of floorspace for equine related activity.

The agent further explains within Document No. 09 that the applicant intends to purchase sheep as a hobby and provide solid flooring as no cattle will be housed in this building. Considering the nature and small scale of the housing for sheep provided within the overall floor space, it was not considered that this would have a significant impact on the natural environment. Despite this; however, the wintering of sheep is not long term; the need for this element of the shed would not substantiate the requirement for this section of the building located 10 miles from the applicant's principal farm group at 29 Derriaghy Road and there has been nothing provided to demonstrate that suitable existing buildings at the applicant's existing farm complex cannot be used to provide this function.

The remaining floorspace relating to the farm vehicles and machinery includes the applicant's intention to park a horse lorry and horse box (Document 01), however neither of these assets would necessarily be required for storage at this location as they are not essential to the day to day running of the farm.

It is stated that the location of this building would provide a convenience that the applicant's existing farm complex at 29 Derriaghy Road does not benefit from

allowing more flexibility to access the various parcels of land that the applicant currently takes out in conacre. The intended use of the building for horses and keeping sheep as a hobby (accounting for a combined 54% of the overall floor space) does not demonstrate that a building of this scale will be essential for the functioning of the farm business. Furthermore, it has not been sufficiently demonstrated that the existing farm building cannot fulfil the storage requirements of the out farm and therefore, the principle of development has not been established.

Impact on the Natural Environment

The application seeks retrospective permission for an agricultural building. Drawing No. 03 (date received 19th October 2022) shows that the building will be used for stables, tack room, food store, with area for storage of silage, hay, tractor, farm machinery etc. there is nothing to demonstrate that the building will be provided with a slatted floor and slurry tanks for the long-term housing of cattle. It is considered that should planning permission be granted, the shed will only be used for the storage of farming equipment and feeds and not for the housing of livestock and this matter can be controlled by means of a planning condition should planning permission be forthcoming.

Design and Appearance

Policy CTY 12 of PPS 21 requires the building to be appropriate to its location in terms of size and scale, it should visually integrate into the local landscape and the design and materials are sympathetic to the locality; as required by Policies CTY 13 and 14. The shed takes the form of a rectangular plan form. It is of a much larger scale than the other agricultural style building within the application site to the west. The building has a ridge height of 8.3 metres above ground level, it is 21.3 metres wide and a depth of 33.4 metres and is set back 23 metres from the roadside. The design and appearance of the building making use of finishing materials including shuttered concrete walls, corrugated iron cladding and translucent wall panelling provides the appearance of an agricultural building typical of a countryside location.

The application site is not afforded any significant existing landscaping along its northern boundary abutting the Belfast Road, with a hedgerow of less than 2 metres running along this boundary. It is noted that a tree lined hedgerow up to 10 metres in height exists along the western and south-eastern boundaries which will significantly reduce the visual impact of the building when travelling in an easterly direction along the Belfast Road and provide a backdrop when travelling along the front of the application site. The dwelling abutting the application site and the other building within the application site to the east of the building reduces some of the visual impact of the building when travelling in an easterly direction. Furthermore, the setback distance of 23 metres from the roadside, will reduce the prominence of this building when travelling along this section of the Belfast Road. It is considered therefore that the building visually integrates into the surrounding landscape and is of an appropriate design.

Overall it is considered that the design, appearance and location of the shed is acceptable in terms of integration and rural character in accordance with Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

No. 40 Belfast Road is the only abutting dwelling that is occupied. It is noted that the relationship between the building and this dwelling is front to front, with both buildings having an opposing frontage onto the Belfast Road. It is noted that this building will not be used for the housing of livestock and therefore it is unlikely that this neighbouring dwelling will experience a significant impact as a result of odour. The separation distance between the building and this dwelling will be 56 metres and therefore, despite the 8.3 metre ridge height of the building, will likely have a limited impact on the amenity of the residents of this neighbouring dwelling.

No. 43 Belfast Road is located 24 metres to the east of the subject building. It is noted that planning permission Ref: LA03/2021/1165/F for a replacement dwelling and garage was granted by the Council on 5th April 2022 and remains extant for this dwelling. The existing relationship between the building and this dwelling is staggered side-to-gable. It is noted that there is no intermitting vegetation between this dwelling and the building, however, the dwelling is located entirely north of the northern elevation of the building and is far enough removed that it should not experience any significant impact as a result of overshadowing and dominance. Should the planning permission granted under Ref: LA03/2021/1165/F be constructed, the separation distance will be increased to approximately 40 metres which will further reduce the impact this building may have on any possible residents. Furthermore, an affidavit (Document 03) has been submitted by a Mr Gary Bates who claims ownership of this site. The affidavit explains that they have no concerns regarding odour or noise and provide no objection to the development.

Other Matters

Historical Environment

The application site is within the zone of influence of an archaeological site and monument. To determine the potential impact this development may have on the historical environment, Historical Environment Division (HED) within the Department for Communities was consulted and has concluded that it is content with the proposal. It is considered therefore that the application meets with the requirements of the SPPS and PPS 6 in regards to its impact on the historic environment.

Road Safety

It is proposed to access the site by an existing singular vehicle access onto the Belfast Road which abuts the site boundary to the north of the site. The Belfast Road is part of the trunk road network and is a protected route as identified in the Antrim Area Plan. DfI Roads was consulted on this application and has determined that if the proposal meets the requirements of other protected routes outside of any settlement limits as per Policy AMP 3 of PPS 3 then it has no objection. In this case, the application falls under a farm building, whereby it is required that the development would meet the criteria set out in Policy CTY 12 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. In this case, the principle of development has not been achieved and therefore does not comply with Policy AMP 3 of PPS 3.

CONCLUSION

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

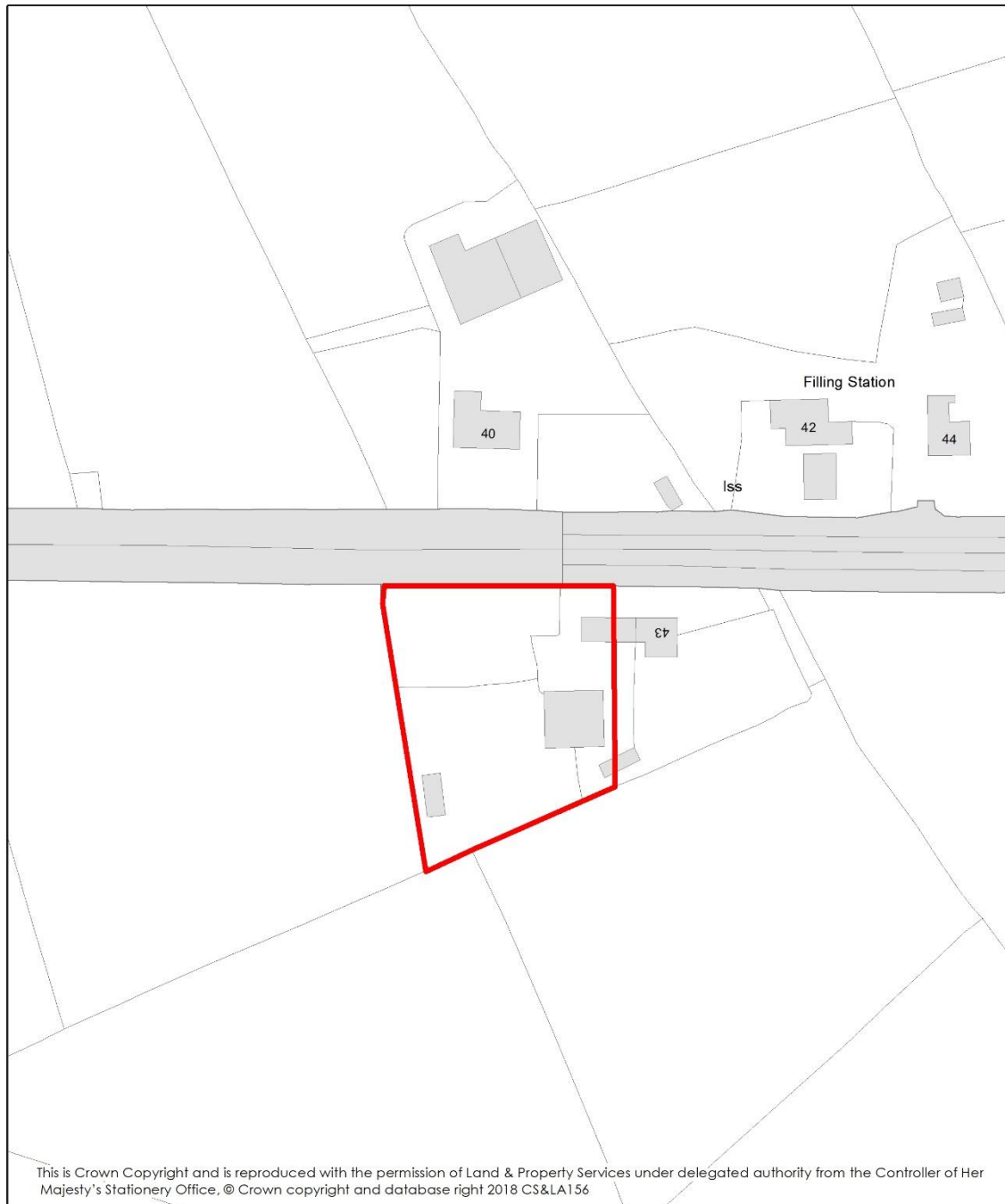
- The principle of the development is considered unacceptable given the site's location away from the existing farm business.

- The proposal would have a significant detrimental impact on the character of the rural area.
- The proposal will not integrate into its receiving rural environment.
- There are no concerns in relation to neighbour amenity.
- It has not been demonstrated that the proposal would not have a detrimental impact on natural heritage given that the building will not be used to house animals.

RECOMMENDATION :	REFUSE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

- | |
|---|
| <ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building is not clustered with an established group of farm buildings on the agricultural holding, in addition it has not been demonstrated that they existing building would not meet the needs of the farm business. 2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, prejudice the safety and convenience of road users as it has not been sufficiently demonstrated that the development meets the criteria for development in the countryside and therefore does not require direct access onto a Protected Route. |
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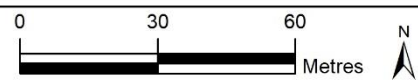


Site Location Plan

Application Reference: LA03/2022/0913/F

50m South-West of 43 Belfast Road Nutts Corner

Retention of agricultural building (retrospective application)



 Site boundary

1:1,250



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2022/0715/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site for dwelling and detached garage
SITE/LOCATION	85m west of 43 Belfast Road, Nutts Corner
APPLICANT	Gerard Damien Campbell
AGENT	Park Design Associates
LAST SITE VISIT	8 th September 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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 85 metres southwest of No. 43 Belfast Road. This is a countryside location as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site consists of a section cut out of a larger agricultural field, with the western boundary being contrived. The northern boundary abuts the Belfast Road and is defined by a 1.5-metre-tall hawthorn hedgerow while the southern and eastern boundaries are defined by a mixed species hedgerow between 3 and 7 metres in height. The topography of the application site is flat.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0913/F Location: 50m South-West of 43 Belfast Road, Nutts Corner, BT29 4TH Proposal: Retention of agricultural building (retrospective application) Application under consideration</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection

Department for Communities Historic Environment Division – No objection subject to conditions

Department of Agriculture, Environment and Rural Affairs – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of its council area. The SPPS retains some existing Planning Policy Statements (PPS) one of which is 'Sustainable Development in the Countryside' (PPS21).

Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to say that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. One of these is a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. This policy states that planning permission will be granted for a dwelling house on a farm where a number of criteria can be met.

This policy requires that a farm business is to be active and established for at least 6 years. DAERA's Countryside Management Branch have been consulted and have responded to confirm that the Farm Business ID was issued on 11th November 1991. It is noted in DAERA's response, that the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri-Environment Schemes in each of the last six (6) years. DAERA's response also highlights that the proposed site is on lands associated with the farm business. It is therefore considered that the farm business is active and established.

It is indicated within the P1C form that no dwellings or development opportunities have been sold off from the farm holding in the last 10 years. The farm maps originally provided by the agent (Document 01, date received 12th August 2022) reflect the lands surrounding the application site in isolation and not an indication of the entire farm holding. Full farm maps were requested from the agent via email on 23rd November 2022, however, the fields surrounding and including the application site were evidently missing from the 2021 farm maps submitted (Document 02, date received 29th November 2022). The most up to date farm maps (Document 02/1) were belatedly received on 31st March 2023 and show the subject lands and

additional lands that the applicant either owns or rents in conacre. Following a detailed search of these lands, there is no evidence to show that the applicant has sold any development opportunities out-with settlement limits from the farm holding in the last 10 years.

It is noted that the lands associated with the farm business as identified in Document 02 are sizeable (80 hectares), according to the farm maps, there appears to be a grouping of farm buildings located within lands surrounding the applicants address at 29 Derriaghy Road, Lisburn. Following a land registry search, it was found that these buildings are within the ownership of the applicant. Policy CTY 10 of PPS21 requires that any new buildings should be visually linked with a group of existing buildings on the farm. Within the application site, there is an existing agricultural building and an agricultural building that is under consideration for retrospective planning permission (Ref: LA03/2022/0913/F).

Notwithstanding the fact that there is a concurrent application for the retention of an agricultural shed, currently on site, there is only one (1) agricultural building existing on the site, not an established group of buildings as required by Policy CTY 10. Furthermore, given the well-established cluster of farm buildings within the applicant's ownership at No. 29 Derriaghy Road, there is no explanation provided as to why a dwelling could not be sited on the applicant's existing farm building cluster at that location. It is considered that subject to planning permission on Ref: LA03/2022/0913/F, a proposed dwelling at this location will not be sited to cluster with an established group of buildings and therefore does not meet with all the requirements of Policy CTY 10 of PPS 21. The principle of development for a farm dwelling has not been established on the application site.

Impact on the Character and Appearance of the Area

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. In this case, as previously established, the proposed dwelling will not be sited to cluster with a group of farm buildings. It is noted that the application seeks outline planning permission and no indicative designs have been submitted in support of the application. The application site is a section of a larger agricultural field, whereby the western boundary is currently undefined. It is acknowledged that the south-eastern and eastern boundaries consist of hedging and trees up to a height of approximately 7 metres, providing a suitable backdrop for the application site. The western boundary remains open and exposed to long distance views that can be achieved when travelling east to west along the Belfast Road. It is considered that due to the well-established landscaping along the south-eastern and southern boundaries, there is sufficient landscaping to suitably enclose an appropriately designed dwelling and garage within the application site, subject to additional landscaping along the western boundary and a ridge height restriction.

Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. 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.

In this case, the application site is located 35 metres to the west of an existing agricultural building, and 45 metres to the west of No 43 Belfast Road. It is acknowledged that these buildings are somewhat staggered, however, a uniform building line does not need to be present for a ribbon of development to occur. It is considered that these buildings have a frontage to the road and represent a linear form of development fronting onto the public road. Ribbon development has always been unacceptable and will continue to be resisted. Given that the proposed development creates a ribbon of development along this section of the Belfast Road. It is considered therefore that the proposal is contrary to Policies CTY 8 and CTY 14 of PPS 21.

Neighbour Amenity

Due to the outline nature of this planning application, there are no indicative designs submitted to fully consider the potential impacts a dwelling at this location may have on the neighbouring properties. It is considered however, that an appropriately designed dwelling would not significantly impact on the neighbouring dwellings.

Other Matters

Historical Environment

The application site is within the zone of influence for an archaeological site and monument. Historical Environment Division (HED) within the Department for Communities was consulted and has concluded that it is content with the proposal subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Road Safety

It is proposed to access the site by a singular vehicle access onto the Belfast Road which abuts the site boundary to the north of the site. The Belfast Road is part of the trunk road network and is a protected route as identified in the Antrim Area Plan. DfI Roads were consulted on this application and has determined that if the proposal meets the requirements of other protected routes outside of any settlement limits as per Policy AMP 3 of PPS 3 then they have no objection. In this case, the application falls under a farm dwelling, whereby it is required that the development would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. In this case, the principle of development has not been achieved and therefore does not comply with Policy AMP 3 of PPS 3.

CONCLUSION

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

- The principle of the development has not been established;
- A suitably designed dwelling would not significantly impact the appearance of the surrounding area;
- A suitably designed dwelling within the application site would not significantly impact on the amenity of the existing neighbouring dwellings; and
- The proposal would potentially prejudice the safety and convenience of other road users.

RECOMMENDATION

REFUSE OUTLINE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal is not visually linked with a group of existing buildings on the farm in accordance with Policy CTY 10 of PPS 21.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that 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.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, prejudice the safety and convenience of road users as it has not been sufficiently demonstrated that the development meets the criteria for development in the countryside and therefore does not require direct access onto a Protected Route.



Site Location Plan

Application Reference: LA03/2022/0715/O

85m west of 43 Belfast Road Nutts Corner

Site for dwelling and detached garage



 Site boundary

1:1,250



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2022/1126/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed demolition of existing outbuildings and construction of new private dwelling and ancillary garage
SITE/LOCATION	Buildings approx. 100m northwest of No. 42 Cherry Hill Road, Antrim, BT41 2HT
APPLICANT	Mr & Mrs T Don
AGENT	Machin Dunn & MacFarlane Ltd
LAST SITE VISIT	23 rd January 2023
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands and buildings previously associated with No. 41 Cherry Hill Road, Donegore and is within the countryside as defined within the Antrim Area Plan (1984-2001).</p> <p>The application site comprises a two storey stone outbuilding with a single storey return to the front. The building is painted white and has a number of window and door openings along the front elevation at both ground and first floor. The roof of the subject building is finished in dark coloured slate tiling. The remains of a steel framed shed is located to the rear of the stone barn.</p> <p>The topography of the application site falls steeply from the north to the south. The site boundary to the north and along the roadside is defined mostly with a 1-metre-high wall. A number of neighbouring farm buildings lie along the sites eastern boundary with an existing hedge defining the boundary to the south. The western boundary remains undefined and lies adjacent to the location previously occupied by No. 41 Cherry Hill Road. No. 41 has been removed from the site and ground works have commenced to develop planning approval Ref: LA03/2022/0131/F which granted an offsite replacement dwelling in substitution for No. 41.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2010/0458/O Location: Lands immediately adjacent to and West of 41 Cherry Hill Road, Donegore Proposal: Site of farm dwelling and garage Decision: Permission Granted (18.11.2010)</p> <p>Planning Reference: LA03/2015/0207/F Location: 41 Cherryhill Road Donegore Antrim BT41 2HT Proposal: Proposed replacement dwelling Decision: Permission Granted (11.08.2015)</p>	

Planning Reference: LA03/2018/1137/O

Location: 41 Cherry Hill Road Donegore Antrim

Proposal: Replacement of existing two storey dwelling and existing agricultural outbuildings with new dwelling and garage

Decision: Permission Granted (27.03.2019)

Planning Reference: LA03/2019/0001/F

Location: Buildings and land 20 metres South of 41 Cherryhill Road Donegore Antrim

Proposal: Conversion of and extension to outbuildings to form private dwelling

Decision: Permission Granted (25.04.2019)

Planning Reference: LA03/2022/0131/F

Location: 41 Cherry Hill Road Donegore Antrim BT41 2HT

Proposal: Replacement dwelling and garage (with additional out-building, change in access point and increase in site curtilage

from that previously approved under LA03/2018/1137/O

Decision: Permission Granted (29.04.2022)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No objection

Department for Infrastructure Roads- No objection subject to condition

Department for Communities Historic Environment Division – No objection

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a replacement dwelling in accordance with Policy CTY 3 of PPS 21 'Replacement Dwellings'. Policy CTY 3 states that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Policy CTY 3 also indicates that buildings designed and used for agricultural purposes such as sheds and stores will not however be eligible for replacement under this policy.

The building subject to this planning application comprises a stone outbuilding which was originally associated with a farm complex at No. 41 Cherry Hill Road. It is relevant to note that planning permission was granted for the conversion of the subject building to a dwelling under planning approval Ref: LA03/2019/0001/F in accordance with Policy CTY 4 of PPS 21. In addition, permission was previously granted and has commenced on site for the offsite replacement of No. 41 Cherry Hill Road under planning approval Ref: LA03/2022/0131/F in accordance with Policy CTY 3 of PPS 21 directly west of the application site.

Document 01 date stamped 5th December 2022 outlines that the conversion of the subject building approved under LA03/2019/0001/F would be impossible to construct as approved for a number of reasons. These reasons include the structural stability of the existing building, the natural topography posing difficulties with differing land levels and resultant finished floor levels, insufficient stability in existing ground levels and inconsistencies with the previous planning permission (LA03/2019/0001/F). Document 01 goes on to itemise the cost of work to stabilise and underpin the existing barn which is indicated to be £186,000. A structural survey (Document 02 date stamped 5th December 2022) of the existing barn was carried out which concluded that given the extent of demolition required it would be more appropriate to construct a new private dwelling within the application site. Whether or not the applicant considers the previously approved conversion proposal to be financially viable is not a material consideration that would allow a deviation from the policy.

Notwithstanding the difficulties the applicant faces regarding the implementation of the previous planning permission (LA03/2019/0001/F) for a conversion, the policy does allow for the replacement of redundant non-residential buildings with a dwelling, however, the proposal must bring about significant environmental benefits. Further supporting information (Document 03 date stamped 6th March 2022) outlines the reasons why the agent considers the proposal to replace the subject building with a dwelling would bring with it significant environmental benefits. The benefits indicated include the increase in biodiversity, habitat protection, reduction in greenhouse gas and resource efficiency. Policy CTY 3 requires significant environmental benefits comparative to the existing building within the site and not that of an extant approval on the site. The outbuilding has already been identified as a local

vernacular building and as such was deemed worthy for conversion and therefore its retention is encouraged as stated in Policy. There is no demonstrable evidence to indicate that the existing building has a significantly negative environmental impact on the locality and while some environmental benefits have been provided, for the reasons outlined above the overall benefits when weighed either individually or in combination, are not considered to constitute significant environmental benefits for the purposes of Policy CTY 3.

It is considered that in this case that there are no significant environmental benefits that would be realised through the demolition and replacement of this building. It is considered that the application fails to meet with the requirements of Policy CTY 3 of PPS 21 and therefore the principle of development has not been established.

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

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

It has already been outlined above that the proposed development is not compliant with the policy requirements of CTY 3. However, the agent has outlined within supporting documentation that CTY 3 is the preferred proposal to replace the outbuildings. In this regard all replacement proposals are required to demonstrate that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. No information has been provided to demonstrate how the proposed dwelling would not have a visually greater impact than the existing building.

The proposed dwelling is sited over the footprint of the existing outbuilding. Due to the steep topography across the site, which falls in a southern direction away from Cherry Hill Road, the proposed dwelling is split over two levels. The finished floor level (FFL) of the ground level is approximately 49.43 metres and the FFL of the lower ground level sits at approximately 46.63 metres. The proposal requires an element of cut and fill to provide a suitable gradient across the site to accommodate the proposed development. Whilst it is acknowledged that the cut and fill of land is usually resisted, it is accepted that in this case, the natural landform is largely respected and demonstrable disruption to the landform would not occur. The proposed dwelling when viewed from the roadside along the northern elevation appears single storey with a maximum ridge height of 6.4 metres from ground level. To the rear, the lands fall significantly and as a result, the proposed dwelling extends to two storey with a maximum ridge height of 9 metres from lower ground level.

The overall frontage length of the proposed dwelling extends to 19.9 metres and the maximum depth extends to 22.7 metres, which includes the raised rear projection that extends at ground floor level only. The proposed dwelling includes a side return to the eastern elevation, this feature extends to a maximum ridge height of 5 metres from ground level and 7.5 metres from lower ground level. Two first floor terraces are also proposed to the eastern and western elevations. A large elongated rear return is

proposed which projects from the main rear elevation by 11.8 metres. The rear projection begins as a two storey building and at the most rearward point continues at first floor level only, providing a large canopy at ground level. A large half apex style window feature is proposed to the most rearward section as a pitched gable.

The southern (rear) elevation sits in contrast to the principle elevation of the proposed dwelling fronting Cherry Hill Road which appears generally as a modest bungalow. However, the drop in levels to the rear and the resulting substantial two storey elevation comprised of contemporary design features is considered wholly unacceptable and inappropriate to this rural location. The proposed dwelling is significantly larger in scale, massing and design comparative to the existing outbuilding which is relatively modest. Whilst it is accepted that the previous approval (planning ref: LA03/2019/0001/F) for the conversion of the building was moderately larger as a number of extended elements were included, the design retained the main body of the existing building as the principle feature of the design and was therefore acceptable. In contrast it is considered that the overall scale, massing and design of the proposed dwelling is significant and would for the reasons outlined above have a detrimental impact on the character of the rural area. Additionally, the cumulative impact of the proposed dwelling and adjacent approval Ref: LA03/2022/0131/F would create a substantial suburban design that would be both visually prominent from Cherry Hill Road and the M2 Motorway as the proposed dwelling is situated on an elevated site when viewed from the M2. The removal of the existing outbuilding to accommodate the proposal would entirely remove the agricultural character of the site, which as outlined above is considered to comprise local vernacular qualities.

The application also includes a two storey garage situated to the northern section of the application site forward of the proposed dwelling adjacent to the roadside edge. The proposed garage is of simple rectangular form and extends to an overall depth of 7 metres, a length of 12 metres and an overall ridge height of 6.7 metres from ground level. Due to the challenging topography across the site, an element of cut and fill and ground levelling is required. The ground level of the proposed garage is to sit at 49.23m, which is approximately 0.6 metres lower than the most northern section of the existing outbuilding as the garage is proposed to cut into the land. The location of the proposed garage does not extend forward of the existing single storey front projection expressed along the existing outbuilding. However, the overall height of the garage is significantly higher than the existing single storey projection at this location and would therefore appear visually prominent from the public road. In addition, the garage is approximately 0.2 metres higher than the ridge height of the main dwelling at ground floor level and sits forward of the main dwelling and is therefore not considered subordinate in nature. The proposed garage also includes two box shaped zinc dormers to the western elevation which would be visually prominent when travelling in a western direction towards the application site. There are no other examples of this design feature in the immediate area which is considered suburban in nature and therefore inappropriate in the rural area.

Whilst it is acknowledged that the approval of the adjacent dwelling under planning Ref: LA03/2022/0131/F displays similar scale, massing and design characteristics as the proposed dwelling. It was noted within the case officer's report that the planning history on the site was heavily weighted in the assessment of this planning application. The overall scale, massing and design of the dwelling approved under

planning approval Ref: LA03/2022/0131/F was a reduced proposal comparative to the dwelling approved within historical approval Ref: LA03/2015/0207/F within the site.

Critical views of the proposed dwelling would be achieved when travelling in both directions along Cherry Hill Road. There is a build-up of old agricultural outbuildings located directly to the east of the application site which adds to the prevailing agricultural character of the area. The proposed dwelling although set on lower ground levels comparative to Cherry Hill Road would be widely visible due to the lack of established landscaping to site boundaries and the substantial scale, massing and design of the proposed dwelling. Additionally, the suburban nature of the southern (rear) elevation would be open to substantial, albeit long critical views from the M2 Motorway. As outlined above the cumulative impact of the proposed dwelling coupled with the scale, massing and design of the adjacent dwelling approved under Ref: LA03/2022/0131/F would be considered detrimental to the character of the immediate area as the proposed development cannot be appropriately integrated into the landscape. The design of the rear elevation is suburban in character and would not be appropriate for the site or locality and visually prominent from long critical views along the M2 Motorway contrary to policy provision (a) and (e) of CTY 13. Additionally, the proposal is unable to provide a suitable degree of enclosure and relies primarily on new landscaping for integration contrary to criteria (b) and (c) of CTY13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. As outlined above the application site occupies elevated grounds and is open and exposed to all site boundaries. The proposed dwelling as outlined above would be unduly prominent in the landscape and therefore fails to comply with criterion (a) of policy CTY 14 of PPS 21.

As outlined above the agent has highlighted a PAC 2007/A0938 decision which determined that an improved visual landscape was sufficient grounds to allow the replacement of a redundant non-residential building with a dwelling. As outlined above, the subject dwelling is considered a non-listed vernacular building and therefore the existing building is typical of a rural outbuilding and is not observed as being out of character with the wider landscape. Therefore, it is not considered that the proposed dwelling in substitution of the existing outbuilding would be a betterment regarding visual impact. In contrast, the proposal would remove a building of character which displays local traditions of architecture and design which are an important part of heritage and regional identity.

Overall, it is considered that the proposed dwelling within the application site would have a significantly greater visual impact than the existing dwelling as the design is inappropriate to its rural setting and does not have regard to local distinctiveness due to the prominence of the application site. The proposal fails to meet the policy provisions set out in the SPPS and Policies CTY3, CTY13 and CTY14 of PPS21.

Neighbour Amenity

The proposed dwelling is sited over the footprint of an existing outbuilding previously part of a wider group of farm buildings associated with No. 41 Cherry Hill Road. The dwelling previously known as No. 41 has been demolished and planning application

Ref: LA03/2022/0131/F granted approval for an offsite replacement into the adjacent agricultural field. Works to level off the site for development have taken place. There are no residential properties located adjacent to the eastern boundary to be impact upon.

The dwelling approved under Ref: LA03/2022/0131/F is located a minimum of 7 metres from the western elevation of the proposed dwelling and a maximum of 12 metres. This is considered a sufficient separation distance to ensure there would be no significant domineering impact or loss of light to this adjacent dwelling. Additionally, the windows located along the eastern elevation of the dwelling facing the proposed dwelling serve a boot room and a hallway and are therefore not considered habitable rooms. The western elevation of the proposed dwelling does not feature any windows at ground level or lower ground level and therefore it is not considered that the proposed dwelling would create any overlooking from habitable rooms. However, a first floor terrace is proposed to the western elevation which would offer uninterrupted views across to the private amenity area associated with the previously approved dwelling.

It is considered that the provision of a first floor terrace located 2.4 metres from the common boundary would offer a loss of privacy towards the most private part of the neighbouring property's rear amenity. Whilst it is acknowledged that the proposed terrace does not extend beyond the built form of the dwelling approved under LA03/2022/0131/F, it is considered that the perception of overlooking would be unacceptable and therefore the provision of a first floor terrace at this western elevation is inappropriate.

Movement, Access and Parking

The proposed dwelling is to be served by a new vehicular access directly off Cherry Hill Road. In this respect, DfI Roads were consulted on the application in relation to road safety and has raised no objections to the proposal. It is deemed that the proposed access will not prejudice road safety or cause a significant inconvenience to traffic.

CONCLUSION

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

- The principle of development for a replacement dwelling in compliance with policy CTY 3 cannot be established;
- The design of the proposed dwelling is unacceptable and is considered to have a significantly greater visual impact than the existing building;
- The application site is unable to provide a suitable degree of integration and it is considered to be unduly prominent in the landscape;
- The proposal will not be resultant in any significant detrimental impact on neighbour amenity; and
- There are no road safety concerns with this proposal.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY 3 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 as it fails to meet the provisions for the replacement of a redundant non-residential building that would bring significant environmental benefits.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, in that the proposed terrace would result in an unacceptable adverse effect on an adjacent approved property in terms of overlooking and loss of privacy.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, the building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and relies on new landscaping and the scale, massing and design of the dwelling is inappropriate for the site and its locality.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, appear unduly prominent in the landscape.



Site Location Plan

Application Reference: LA03/2022/1126/F

Proposed demolition of existing outbuildings and construction of new private dwelling and ancillary garage

Buildings Approx 100m northwest of no 42 Cherry Hill Road, Antrim, BT41 2HT

0 30 60 Metres



Site boundary



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2023/0044/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Domestic shed in substitution of double garage approved under LA03/2018/0082/F and increasing the curtilage of the dwelling (Retrospective application)
SITE/LOCATION	25b Ballylurgan Road, Randalstown, BT41 2NR
APPLICANT	Mr William McCaughey
AGENT	Big Design Architecture
LAST SITE VISIT	07/03/23
CASE OFFICER	Michael Ward Tel: 028 903 40434 Email: michael.ward@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
SITE DESCRIPTION	
<p>The application site is located at No.25b Ballylurgan Road, Randalstown which is located in the countryside, beyond any settlement limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site comprises a single storey detached dwelling with pitched roof and a large garage which fronts onto Ballylurgan Road. The site boundaries consist of a low 1.5m wall to northern and southern boundaries which extend towards the rear. The front of the application site consists of a gravel driveway which leads to both the host dwelling and garage. The front boundary consists of a low 1.5m rendered wall. The rear of the site contains a garden area with the rear boundary treatments being undefined and face towards agricultural fields. The subject garage is set back by approximately 28m from the public road.</p> <p>The topography of the site is level. The surrounding location is open countryside characterised by agricultural fields with neighbouring properties No's.27 & 25a Ballylurgan Road located immediately to the north and south of the application site respectively.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0082/F Location: 20m South of 27 Ballylurgan Road, Randalstown Proposal: Proposed dwelling and detached garage Decision: Permission Granted Decision Date: 22/05/2018</p> <p>Planning Reference: T/2014/0455/RM Location: 20m South of 27 Ballylurgan Road, Randalstown</p>	

Proposal: Proposed dwelling and detached garage
Decision: Permission Granted
Decision Date: 11/02/2015

Planning Reference: T/2012/0019/O
Location: Infill site between 25 and 27 Ballylurgan Road, Randalstown
Proposal: Proposed infill site for 2no. dwellings and detached garages
Decision: Permission Granted
Decision Date: 20/03/2012

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located outside the settlement limit of Randalstown 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.

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.

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

No consultations were carried out on this application.

REPRESENTATION

Five (5) neighbouring properties were notified (5) representations have been received with one (1) letter of support and four (4) letters of objection.

A summary of the key points raised is provided below:

- Object to the proposal

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

- Tractors will be stored inside out of sight
- Security
- Visual improvement

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context & Principle of Development

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

The Antrim Area Plan (AAP) currently operates as the statutory Local Development Plan for the area where the application site is located and regional planning policy is also material to the determination of the proposal. The application site is outside the settlement limit of Randalstown as defined in the AAP and located within the countryside. There are no specific operational policies relevant to the determination of the application in the plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. 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. Furthermore, SPPS also accounts for 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 states that there is a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of types of acceptable development are set out. Within these there is no provision for residential land to be extended further into the countryside. However, the policy goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

The current character of this section of Ballylurgan Road is characterised by open agricultural fields with a number of residential detached dwellings set within modestly sized plots. It is noted that the proposed extension of curtilage would result in a dwelling curtilage similar in size to the other neighbouring properties. Furthermore, the extended curtilage is located largely to the rear of the existing dwelling, away from the public road with limited public views. The extension of the curtilage into the countryside is therefore considered acceptable.

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

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

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

The proposed development is for the retention of the existing shed in substitution for the double garage approved under LA03/2018/0082/F and increasing the curtilage of the dwelling (Retrospective application)

Scale, Massing, Design and Impact on Character of Area

The shed is set back by approximately 28m from Ballylurgan Road and measures approximately 5.6 metres in height by 13 metres wide and approximately 16 metres deep. Planning permission (T/2014/0455/RM & LA03/2018/0082/F) granted permission for a domestic garage measuring approximately 9.5 metres in length with a height of approximately 5 metres and a depth of approximately 7.5 metres. However, the garage constructed is substantially larger in scale than what was approved under both applications.

The shed will feature two (2) roller access doors and two (2) windows on the front elevation with two (2) windows and one (1) external access door located on the northern gable elevation. The shed will be finished in a grey dash render finish with grey stone cladding. Window materials consist of black framed Upvc which match

the host dwelling. The applicant has indicated on Drawing No. 01/01 date stamped 13th April 2023 that the shed will be used for the storage of agricultural vehicles which goes beyond the purpose of the outbuilding which is applied for which is for domestic use and is therefore not considered an appropriate justification for a large domestic shed.

Paragraph A6 of APPS 7 states that "an extension should not be so large or prominent as to dominate the host property or its surroundings". All such works should have proportion in terms of scale and balance and fit in with the shape of the existing house. The application site is a road frontage site comprised of a single storey dwelling and garden area with a narrow plot depth which prevents the subject shed being located further to the rear of the host property.

The plot within which the existing dwelling sits is modest and does not extend to a substantial area of land, including the additional area covered by the curtilage extension. It is considered that the domestic plot cannot absorb the sheer scale and mass of the garage which sits in contrast to the existing built form expressed along this section of the Ballylurgan Road. The existing development here comprises modest bungalows and garages. Therefore, due to the particular nature of the plot and its wider countryside setting it is considered that the proposal appears visually dominant in terms of scale, is open to critical views from the surrounding countryside and when travelling northbound along the Ballylurgan Road.

Paragraph A11 of APPS7 states that "buildings within the residential curtilage such as garages, sheds and outbuildings often require as much care in siting and design as works to the existing residential property and should be similar in style to the residential property, taking account of local character and the level of visibility of the building from surrounding views". The shed appears disproportionate in scale to the dwelling and does not provide a suitable degree of integration. The agent has indicated on Drawing No. 01/01 date stamped 13th April 2023 that neighbouring property No. 29 Ballylurgan Road provides a precedent in terms of the similar style of outbuildings in the immediate locality. In contrast to the subject building which is for domestic purposes, No. 29 is associated with an established farm complex, therefore a building of the scale and massing as that constructed within the application site would not be out of keeping with the agricultural unit.

All buildings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policy CTY 13 of PPS 21. Policy CTY 13 requires that a building in the countryside will not be prominent in the landscape and will integrate into its surroundings.

It is considered that the subject building appears as a prominent feature in the landscape due to its scale and massing comparative to the associated residential dwelling and surrounding context within a linear row of similar style dwellings along the Ballylurgan Road. There are no other garages of similar style and scale located along this roadside development (No's 25A-29 Ballylurgan Road), therefore a large outbuilding to the rear of the subject dwelling will have a disproportionate relationship with the immediate neighbouring residential properties.

As indicated on Drawing No.01/01, the applicant has provided a planting scheme which includes supplementary planting along the entirety of the front boundary of

the application site. It is acknowledged that this proposed planting with a maximum height of approx. 4-5m will provide an element of screening along the Ballylurgan Road, however, the benefits of this planting would not be realised for a long period of time. Paragraph 5.64 of PPS21 states that "While new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient". As the site lacks long established natural boundaries to all site boundaries with the exception of a low hedgerow to part of the northern boundary it is considered that the site is unable to provide a suitable degree of enclosure for the building to integrate fully into the landscape contrary to criterion (b) of Policy CTY 13. The proposed planting will inevitably take a considerable length of time to mature and in the interim will not mitigate the impact of the subject building which relies primarily on new landscaping contrary to criterion (c) of Policy CTY 13.

In addition, the application site is unable to provide a backdrop to the development as the site backs onto an open agricultural field characterised by a relatively flat topography. A sufficient backdrop is usually provided by existing mature planting, hills and slopes, which can naturally integrate development. As there is no visual backdrop to the application site, there is a significant lack of natural features to blend with the subject building and it is considered that the proposal is therefore exposed and fails to blend with the natural landform contrary to criterion (f) of Policy CTY 13.

It is therefore considered that the proposal will appear unduly dominant and is not in keeping with the character of the existing property and its sensitive countryside setting. The garage would be a prominent feature as it fails to provide a backdrop and the site lacks long established natural boundaries and relies primarily on new landscaping. Furthermore, it is considered that the scale, massing, design and external appearance of the garage are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

Neighbour Amenity

Neighbour No.25a is located immediately to the south of the application site. Whilst the existing boundary treatments comprising a low 1.5m wall do not provide a sufficient level of screening. It is considered that there is an adequate separation distance of approx. 20m from neighbour at 25a, no windows are located on the southern gable elevation of the garage and is for domestic use only, with no habitable floor space. Therefore, it is considered that any potential overlooking or loss of light would not occur from the proposal.

It is considered that there are no significant neighbour amenity impacts in relation to neighbour No.27 as there is an adequate separation distance of approx. 45m which will significantly reduce any potential dominance or overshadowing. Whilst direct views of No.27's ground floor windows on the southern gable elevation are visible from one of the northern gable windows of the garage, the separation distance of 45m will not give rise to any significant overlooking.

Consequently, it is considered that the proposed development will not create any significant impacts on the amenity of any neighbouring properties.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause an unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Amenity Space, Parking and Manoeuvring

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

CONCLUSION

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

- The principle of the development is considered acceptable;
- The scale, massing, design of the proposal is not considered acceptable;
- The impact on the character of the area is not considered acceptable
- There is no significant impact on the amenity of any neighbouring properties;
- There is no impact upon trees or the environmental quality of the area;
- There remains sufficient amenity space and room for parking and manoeuvrability within the curtilage of the dwelling.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Criteria (a) of Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form of the existing property.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would be a prominent feature as it fails to provide a backdrop and the site lacks long established natural boundaries and relies primarily on new landscaping.



Planning Application Reference: LA03/2023/0044/F

Location: 25b Ballylurgan Road, Randalstown, BT41 2NR

Proposal: Domestic Shed in substitution of double garage approved under LA03/2018/0082/F and increasing the curtilage of the dwelling (Retrospective application)

Scale: 1:1250



Site Location



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2022/1086/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed change of use of existing buildings to farm buildings, and existing hard standing to farmyard
SITE/LOCATION	45m west of 10 Tullywest Road, Nutts Corner, BT29 4SP
APPLICANT	Mr R Martin
AGENT	Weir & Weir Architects Ltd
LAST SITE VISIT	6 th March 2022
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 45 metres west of 10 Tullywest Road, Nutts Corner, Antrim and within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site comprises an area of land that includes an outbuilding and an area of hardstanding. The site is set back from the road by 380 metres and is served via an existing private laneway. The northern, eastern and southern boundaries of the application site are defined by a post and wire fence. The remaining western boundary is defined by mature trees approximately 4 metres in height. The topography across the site is relatively flat.</p> <p>The application site is bound by agricultural fields to all boundaries with the exception of the eastern boundary which lies adjacent to No. 10 Tullywest Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2016/0736/LDE Location: 45m west of 10 Tullywest Road, Nutts Corner, BT29 4SP Proposal: Farm yard and farm building Decision: Permission Partially Granted</p> <p>Planning Reference: T/2003/1219/O Location: 250m West of 11 Tullywest Road, Nutts Corner. Proposal: Site of dwelling. Decision: Permission Granted</p> <p>Planning Reference: T/2004/1514/F Location: 250m West of 11 Tullywest Road, Nutts Corner, Crumlin Proposal: Dwelling and detached garage</p>	

Decision: Permission Granted

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads- No objections

Council Environmental Health Section – Clarification on the proposal requested

DAERA Countryside Management Inspectorate Branch- Advise that the farm business identified on the P1C Form has been in existence since 02/11/1996, is Category 1 and the business has claimed payments through the Basic Payment Scheme or Agri Environmental Scheme in the years 2021 – 2022.

DAERA further advised that the application site is located within a yard (unmapped area).

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and 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.

As indicated above the application proposes to change the use of an existing outbuilding and area of hardstanding for agricultural purposes. It is relevant to note that a Certificate of Lawful Development (CLUD) was previously granted on the building (LA03/2016/0736/LDE). The CLUD granted consent for the building as it had existed in excess of 5 years, however, the evidence submitted during the consideration of this CLUD application was not sufficient to demonstrate a lawful use of for the building. Therefore, the subject building does not currently have an established lawful use.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development. One of these is agricultural development in accordance with Policy CTY 12. Firstly, for the proposed

development to be considered appropriate it must relate to an active and established agricultural holding as noted in the policy headnote of CTY 12. In this regard, the justification and amplification paragraph 5.56 states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10 which requires the farm business to be active and established for a minimum of six years.

The Department for Agriculture Environment and Rural Affairs (DAERA) were consulted on the proposal with regards to the farm business ID submitted as part of the application. DAERA responded stating the Farm Business ID identified on the P1C form has been in existence for more than 6 years (since 2nd November 1996). DAERA also confirmed that the farm business is Category 1 and that the applicant has been claiming through the Basic Payment Scheme or Agri Environmental Scheme in the years 2021 and 2022. In order for the proposal to satisfy policy, the applicant is therefore required to also establish that the land has been actively farmed in the previous 4 years covering the period between 2017-2020.

The agent has submitted documentation in an attempt to demonstrate that the applicant has maintained the land in a good agricultural and environmental condition. The documentation submitted includes unaudited financial statements covering each year between the periods of 2017-2022. Each document provides a breakdown for each year including, accountant's report; profit and loss account; balance sheet and notes to financial statements.

The spending expenses provided within each document for each year refers to the following elements:

- Rates
- Property repairs and maintenance
- Premises insurance
- Motor running expenses
- Professional subscriptions
- Accountancy
- Bank charges
- Printing and stationery
- Sundry expense
- Depreciation

The agent has outlined within email correspondence received on the 13th April 2023 that the unaudited financial statements provided are tax registered accounts for the applicants Farm Enterprise. The financial statements provided all refer to the applicants' name and address at No. 50 Nutts Corner Road. To this effect, the documentation provides a summary of the applicant's business account, however, while the information clearly refers to business accounts it does not give an indication that this relates to the applicant's farming activities.

The details provided within the documentation do not relate specifically to farming and alternatively provides a general account breakdown of a business associated with the applicant. It is noted that the applicant's address is associated with a large commercial yard at Nutts Corner and therefore due to the ambiguous nature of the information it cannot be determined with certainty that the unaudited financial statements provided are associated with the applicant's farming business. In addition, the documentation does not give any indication that the farm lands

located at Tullywest Road which have been actively farmed by the applicant for each of the last 6 years.

Therefore, whilst it is accepted that the applicant has actively farmed the land for the last two years as confirmed by DAERA. It is considered that the evidence provided is not adequate to demonstrate active farming on the holding for the previous four-year period. No other information demonstrating active farming between the years 2017-2020 was supplied with the application. Therefore, 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.

Policy CTY 12 of PPS 21 states that planning permission will be granted for agricultural development where it is demonstrated that it is necessary for the efficient use of the agricultural holding and that no suitable existing buildings on the holding or enterprise can be used and also that the proposal is sited beside existing farm buildings. Additional information to support how the proposed development complied with Policy CTY 12 of PPS 21 was requested, however, no additional information was provided to address the policy requirements of CTY 12. Therefore, it has not been demonstrated that the proposed change of use of the building and yard is necessary for the efficient use of the applicant's agricultural holding.

The entirety of the applicants' farm holding is outlined under Document 01 date stamped the 25th January 2022. The applicant's farmlands include a large field adjacent to the application site and a number of smaller fields located beside a disused WW2 runway. The applicant's address is noted as being No. 50 Nutts Corner, which is located approximately 590 metres southeast of the application site. It is acknowledged that the applicant's dwelling is associated within a substantial commercial yard which comprises a number of buildings. No supporting information has been provided to demonstrate how the existing buildings located adjacent to the applicant's dwelling are not suitable for farming purposes and why the proposed agricultural development could not be sited beside this existing group of buildings.

It is acknowledged that Policy CTY 12 of PPS 21 provides an exception for farm buildings sited on an alternative site away from the applicant's existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where, it is essential for the efficient functioning of the business; or where there are demonstrable health and safety reasons. No other evidence has been provided to demonstrate how the off-site location is essential for the efficient functioning of the business; or if there are any demonstrable health and safety reasons for this off-site location.

Having taken the above into account, it has not been established that the farm business is active and established, that the proposal is necessary for the efficient use of the agricultural holding. Additionally, it has not been demonstrated that there are no suitable existing buildings on the holding that can be utilised and there have been no exceptional reasons presented to justify a proposed farm building away from existing farm buildings and therefore the proposal fails the policy provisions of Policy CTY 12 of PPS 21.

Impact on Appearance and Character of Area

Criteria (b) and (c) of Policy CTY 12 states that agricultural buildings should be appropriate to its location in terms of scale and character and they also need to visually integrate into the local landscape.

The existing building is set back approximately 300 metres from the public road and measures 11 metres by 4 metres and extends in height to 3.2 metres from ground level. External finishes include cement render walls, dark grey cladding to the roof and dark grey rainwater goods.

As outlined above the building that is the subject of this application has already been deemed lawful under previous application Ref: LA03/2016/0736/LDE. Therefore, the overall appearance of the development is acceptable given that the building has been established as a lawful structure. In addition, the proposed change of use of the subject building and wider yard for agricultural purposes is generally characteristic of the rural area and is therefore an appropriate use in the countryside.

Overall, the proposal is considered compliant with criterion (b) and (c) of CTY 12 and CTY 13

Neighbour Amenity

Criterion (e) of CTY 12 requires that no detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The closest neighbouring property to the application site is No. 10 Tullywest Road which is located approximately 30 metres southeast of the application site. The plans provided do not indicate that the applicant has ownership of this neighbouring dwelling. Given the proposed agricultural use of the subject lands and building, Environmental Health (EH) have been consulted and sought clarity on the ownership of this dwelling. EH have raised concern that the proposed farmyard may impact on the amenity at the existing nearby residential dwelling due to the short separation distance. The agent's attention was drawn to the EH consultation response via email correspondence on the 10th March 2023 and no further response providing clarity on this issue was provided. The agent has not provided any indication on what type of farming activity the intended building and yard are to accommodate. Therefore, without clarity on this matter it is considered that it has not been sufficiently demonstrated that the proposed development would not have a significant impact on this adjacent neighbour in regards to noise, odour or pollution contrary to criterion (e) of Policy CTY 12.

Movement, Access and Parking

The proposed farm shed is to be accessed using an existing laneway off Tullywest Road. Consultation was carried out with DfI Roads who raised no objections to the proposal. Therefore, it is deemed that the access point to serve the site will not prejudice road safety or cause a significant inconvenience to traffic.

Other Matters

Policy NH 1 of PPS 2 – Natural Heritage states that planning permission will only be granted for a development that is not likely to have a significant effect on a European Site such as a Special Protection Area or a Ramsar Site. Additionally,

criterion (d) of Policy CTY 12 states that the proposal will not have an adverse impact on the natural or built heritage.

As indicated above the proposal does not indicate the intended end use of the agricultural building or if it is to be utilised for livestock. Given that no supporting information in the form of an Air Quality Assessment or Nutrients Management Plan has been submitted in support of the application it is considered that if planning permission is forthcoming, a condition should be imposed requiring that the building is not to be used for the housing of livestock.

The proposal is located approximately 30 metres south of a small stream/watercourse. Informal consultation was carried out with Shared Environmental Services (SES) and in response SES have stated that a HRA is required due to proximity of the site to Lough Neagh and Lough Beg SPA/ Ramsar site and sought formal consultation. The ecological concerns due to the proximity to the watercourse and SES's informal response was highlighted to the agent via email correspondence sent on the 10th March 2023. However, the relevant ecological information was not sought by the Planning Section so as not to put the applicant to nugatory expense, as the principle for development had not been established.

Without sufficient reasoning or evidence outlining how the proposed development would not have an adverse impact on both a designated European and Ramsar site it is considered that the development is contrary to policies NH1 of PPS 2 and criterion (d) of Policy CTY 12 of PPS 21.

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 requirements of Policy CTY 12 of PPS 21 in that, it has not been demonstrated that the land has been actively farmed in each of the last 6 years, that the proposal is necessary for the efficient use of the agricultural holding and no other suitable existing buildings can be utilised and it does not provide an exception for agricultural development away from the existing buildings;
- It has not been sufficiently demonstrated that the proposal would not have a significant neighbour amenity impact on a neighbouring property;
- There are no issues with the access arrangement and road safety;
- It has not been sufficiently demonstrated that the proposal would not have a significant impact on Lough Neagh and Lough Beg SPA/ Ramsar site.

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 CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not demonstrated;
 - a. that the applicant has an active and established farm business;
 - b. that the proposal is necessary for the efficient use of the agricultural holding;
 - c. there are no suitable existing buildings on the holding or enterprise that can be used;

- d. an exception for agricultural development sited to an alternative site away from existing buildings associated with the applicant's dwelling;
 - e. if the proposal will result in detrimental impact on the amenity of residential dwellings outside the holding arising from noise, smell and pollution;
- 2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement, Policy NH 1 of Planning Policy Statement 2 Natural Heritage and criterion (d) of Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside in that insufficient information has been provided in order to ensure that the proposal will not cause a significant effect on the Lough Neagh and Lough Beg SPA/ Ramsar site.

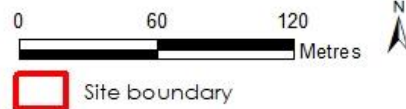


Site Location Plan

Application Reference: LA03/2022/1086/F

Location: 45m West of 10 Tullywest Road, Nutts Corner, BT29 4SP

Proposal: Proposed change of use of existing buildings to farm buildings, and existing hardstanding to farmyard



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2023/0041/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Extension of residential curtilage, construction of general purpose building incorporating 4 stables, tack-room, dry feed storage and bedding facilities, secure parking area for vehicles including horse boxes, tractors and privately owned cars used for stock car racing, circulation space and parking area for three lorries plus provision of paddock/exercise area for ponies.
SITE/LOCATION	To the rear of 13 Ballyhill Road, Ballyhill Lower, Crumlin, BT29 4TN
APPLICANT	Paul Crooks
AGENT	Damien Kearney
LAST SITE VISIT	3 rd March 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@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 https://planningregister.planningsystemni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located to the rear of 13 Ballyhill Road, Ballyhill Lower, Crumlin and is within the countryside as defined within the Antrim Area Plan 1984-2001 (AAP).</p> <p>The application site is located off the Ballyhill Road and contains a bungalow and detached store which fronts onto the roadway. A number of additional structures are located in the north-western corner of the site, positioned to the rear of an adjoining dwelling, No.9 Ballyhill Road. The application site is expansive, incorporating the existing curtilage of the dwelling and an area located to the rear of the established curtilage measuring approximately 0.99 hectares. The yard area is covered with gravel and at the time of site visit contained numerous damaged vehicles, shipping containers, and vehicle transporting equipment. No.9 Ballyhill Road is located to the northwest of the application site and is bound on two aspects by the site, with No.15 Ballyhill Road located to the east of the site.</p> <p>The established curtilage of the dwelling (No.13) is defined by a number of boundary treatments, including: a 1.8m high concrete wall to the northern (roadside) boundary, to the eastern boundary by a mix of a 1.2m high hedgerow, concrete wall with fence on top, and existing structures which are located within No.13's curtilage. The southern boundary is defined by a 1.5m high wall and trees measuring approximately 4-6 metres in height, and the western boundary by a 1.8m high timber board fence and trees measuring approximately 6-8 metres in height.</p> <p>The area in which the curtilage of the dwelling is to be extended into is located to the rear of the established curtilage is defined by hedgerows located sparsely along</p>	

the eastern, southern and western boundaries, while the northern boundary is defined by trees. The surrounding area is open countryside, with dwellings and agricultural outbuildings spread throughout intermittently.

RELEVANT PLANNING HISTORY

Planning reference: T/2009/0422/F

Location: 13 Ballyhill Road, Nutts Corner, Crumlin, BT29 4TN

Proposal: New Access

Decision: Permission Refused (23.10.2009)

Planning reference: T/2006/0191/F

Location: 13 Ballyhill Road, Nutts Corner, Crumlin, BT29 4TN

Proposal: New laneway and hayshed/stables

Decision: Permission Refused (29.11.2006)

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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.

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

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

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

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

CONSULTATION

Council Environmental Health Section - Require further information.

Belfast International Airport- No objections.

DfI Roads-No objection.

REPRESENTATION

Three (3) neighbours were notified of the application and one anonymous letter of representation has been received.

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

The anonymous letter states that it was written on behalf of concerned residents. A summary of the key points of objection raised is provided below:

- Application site to be used for commercial purposes;
- Lack of equestrian activities onsite to date;
- No ownership of surrounding lands to serve equestrian stock;
- Increased traffic to site;
- Limited sightlines;
- Environmental concerns;
- Previous site history;
- Debris on roadway;
- Issues previously raised with the Planning Section.

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
- 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. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located in a development limit. There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1. Policy CTY 1 directs consideration of an extension to a residential curtilage in the countryside to the addendum of PPS 7 'Residential Extensions and Alterations'. The general purpose building is also assessed under PPS 7. and the additional policy requirements of Policies CTY 13 and CTY 14.

The application seeks full planning permission for an extension to the existing residential curtilage, construction of a general storage building, parking area for vehicles, provision of a paddock and exercise area, and the retention of a roadside boundary wall. Document 01 titled 'Planning Statement', date stamped 23 January 2023 accompanied the application and offers a description of the range of uses that will occur on site and the need for the proposal.

The document outlines that the applicant, who currently resides at an alternative address, wishes to move to the associated dwelling in order to accommodate the family's hobbies of keeping ponies, stock car racing, and to provide an area of storage for numerous vehicles. The proposed building will be divided in two, with one element to provide accommodation and ancillary facilities for the ponies, and the other larger unit providing internal storage for vehicles used daily in the applicants' business alongside vehicles associated with the applicant's stock car racing hobby. The statement notes that the applicant owns a breakdown recovery business, and on occasion damaged vehicles may be parked temporarily on the hardstanding should an emergency arise and the vehicle transporter is required at short notice. The statement continues that the building will be solely used for the applicant's vehicles and ponies, and no business will operate from the site. Images were submitted of the vehicles owned by the applicant, including: horsebox, lorry cab, low loader trailer, and tractor.

The proposal also includes a number of recreational elements including a paddock area, ménage, and associated stable buildings, assessed against PPS 8 Open Space, Policy OS 3 Outdoor Recreation in the Countryside. Outlined within the agents supporting statement is justification for the recreational elements. The agent draws attention to an appeal decision (Ref: 2012/A0057) which notes that Policy OS3 does not specifically relate to public use, and private use recreation is acceptable as long as it meets the additional policy tests.

It is noted that the ancillary building is made up of two elements: accommodation and ancillary facilities for ponies, and a larger separate unit providing internal storage for vehicles. In terms of the principle of development there are no concerns regarding the private use of the recreational elements associated with a domestic building,

In principle the extension to an existing domestic curtilage and the construction of a domestic shed is considered acceptable in principle. The report below, however, outlines that there are significant concerns with the overall scale of the domestic curtilage extension and the scale and massing of the proposed building.

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

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

The extension to curtilage is to extend 72 metres further into the open countryside, with an approximate width of 114 metres, giving the extended curtilage an approximate area measuring 0.99 hectares, as noted by the agent. A 'general purpose building' is to be located along the eastern boundary of the site. On initial submission, the proposed shed was to measure 45 metres in length, 15 metres in width, and 8.2 metres in height. The agent was subsequently contacted regarding concerns of the proposed size and scale of the shed and of the extended curtilage, particularly in relation to their visual impact and lack of integration with the surrounding landscape. The agent subsequently submitted an amended design, which saw the building reduced to 28.3 metres in length, 15 metres in width, and 6.2 metres in height. The building is to be finished in wet dash to the lower half and dark green profiled cladding to the upper half, and is to have a pitched roof with roller shutter doors (measuring 4m in height). The amendments did not include a reduction of the proposed curtilage, however, the paddock area was substantially increased, with the ménage/exercise area incorporating the entire western portion of the site.

Document 01 outlines that the applicant requires the building in order to accommodate the family's hobbies of keeping ponies, stock car racing, and to provide an area of storage for numerous vehicles. There is no requirement to justify a need for a domestic building, however, the needs of the applicant do not supersede the policy requirements for the proposed building to meet with the policy constraints.

The proposed building and extended curtilage will be visible from both long (up to 1km away) and short views when travelling west along Ballyhill Road. The current

boundary treatment which runs along the eastern boundary is sparsely planted and appears in a poor state of growth, exposing the site to views. These views are further compounded by ground level differences, whereby the site sits at a significantly higher level than in comparison to certain sections of the roadway where long views will be experienced. As previously mentioned, the eastern boundary is poorly defined. Additional landscaping will be required in order to provide further levels of screening and integration, however, given the scale and siting of the proposal, it is considered that this new planting will provide minimal mitigation. Furthermore, numerous growing seasons will be required before the planting provides any substantive level of screening.

The design of the building appears like a typical agricultural outbuilding which are common features within the open countryside, however, it is considered that its size and massing at the proposed siting is unacceptable in the context of a domestic dwelling. The 6.2 metres height of the building, which occupies the top of a ridge, is considered inappropriate for the site and locality, failing to blend with the landform and resulting in a detrimental impact to the visual amenity of the area. The significant extension of curtilage will also result in the unnecessary encroachment into the open countryside, eroding the rural character while not having respect to the traditional pattern of settlement exhibited in the surrounding area. The vast majority of roadside dwellings located in the vicinity of the application site have modest plot depths and do not draw attention from critical viewpoints. The proposal will result in a total plot depth of 126 metres in length, appearing as an anomaly within the landscape, especially for a residential curtilage. While it is noted that the agent submitted an amended scheme which saw a reduction in the size and scale of the general purpose building, it is considered that the building still occupies a prominent position and remains of a size and scale that will appear as an incongruous feature within the landscape. The agent did not reduce the size and scale of the proposed curtilage, instead increasing the size of the recreational elements (paddock area/ménage), and reducing the extent of hardstanding.

In summary, proposal is considered out of character for such a rural and exposed location and is considered to result in a detrimental impact on the existing character of the area, therefore failing CTY 13 and 14.

The letter of objection raises concerns regarding lack of equestrian activity on site to date and lack of ownership of surrounding lands to serve equestrian stock. The application is for a proposed use, therefore a history of equestrian activity on the site to date is not a requirement for planning approval. Regarding the lack of ownership of surrounding lands, a paddock and ménage are to be provided within the application site. The proposal fails a number of criterion under Policy OS 3, including: the proposal would have an adverse impact on visual amenity and character of the local landscape, the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation or topography, satisfactory arrangements for drainage disposal have not been demonstrated (discussed later in the report), and the associated ancillary building is not of a scale appropriate to the local area will not appear sympathetic with the surrounding environment. While it is typical for a stable building to be provided for the housing of animals, a separate building measuring 16.8 metres x 15 metres is not considered ancillary to the recreational use. This structure is excessive, especially as only four stables have been

provided, and is not consider necessary in order to support the recreational activities. The remaining concerns outlined are addressed below.

These combined factors will result in the building and curtilage extension appearing as prominent and incongruous features within the landscape, lacking any kind of enclosure or backdrop that could potentially mitigate their visual impact.

The application proposes the retention of a roadside boundary wall which runs along the northern boundary. Drawing 01/2 displays the dimensions of the wall as being 1m in height, with the height of the piers measuring 1.2m. Having completed a site visit the wall was measured approximately 1.4m and the piers 1.8m in height. No render had been applied to the blockwork at the time of inspection.

PPS 7 Residential Extensions and Alterations states at paragraph A23 'Walls and fences, particularly in front gardens, can also have a significant effect on the appearance of the property and streetscape. Both the visual and road safety aspects of a wall or fence will be assessed when proposals are being considered. Materials should always complement the character of the property and the neighbourhood'.

The boundary wall is visible from both long and short views when travelling along the Ballyhill Road, appearing dominant and overbearing along the carriageway due to its size, scale and design. It is noted that the boundary treatment does not respect the existing low-height, rail and post timber boundary treatments which are exhibited in the surrounding area, and it is considered the development appears out of character.

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

Neighbour Amenity

No.9 Ballyhill Road is located to the northwest and is bounded on two aspects by the application site. The proposed general purpose building is located approximately 85m from the neighbouring property, which is considered a sufficient distance as to not have a detrimental impact on the amenity of the dwelling. The paddock area is located immediately to the rear of No.9's curtilage. Given the nature of this element, no impacts from overlooking, overshadowing, loss of light or dominance are expected to occur.

No.15 Ballyhill Road is located east of the application site. The proposed general purpose building is located approximately 57m from this neighbouring property, which is considered a sufficient distance as to not have a detrimental impact on amenity. Given the siting of No.15 along the roadside in relation to the application site, no detrimental impacts to amenity are expected to occur from the recreational elements of the proposal.

Other Matters

Contained within the submitted Planning Statement, Document 01 date stamped 23 January 2023, the agent states that the proposed building will provide an area of

storage for vehicles used daily in his business (break-down recovery), and the hardstanding used for the temporary storage of vehicles from his business activities. These vehicles are to be relocated as quickly as possible to their final destination.

The letter of objection states concerns that the proposal will facilitate the running and operation of a breakdown business from the application site. The application has been applied for an extension of a residential curtilage, alongside an ancillary building and horse recreational elements. It is accepted that the householder may park their breakdown vehicle in the yard which may on occasion have to respond to an emergency which would entail a broken down vehicle being on the lorry until such times as it can be taken to the commercial yard associated with the applicants' business. The storage of broken down vehicles in the yard would however be unacceptable. While this element is referred to in the supporting documentation it is not is does not appear in the description of development. If planning permission was to be forthcoming, a condition could be applied ensuring that no business can operate from the site and any use must be ancillary to the associated dwelling.

As per the objector's comments, it is noted that two separate planning permissions have previously been applied for on the site; one for a new access, another for a new laneway/shed. Both applications were subsequently refused due to sightlines not being achievable, and the size and scale of the proposed building and lack of integration in the countryside.

The objection letter makes reference to lack of sight lines to the site entrance. DfI Roads were consulted regarding the application and responded that based on the information supplied, and the private nature of the business use access, a number of informatives should be attached if formal approval is to be recommended.

The creation of road debris arising from the site is a possibility, which is common with a number of forms of development, however, it is the responsibility of any road user not to deposit debris onto the road which would affect the safety of other road users.

The Environmental Health Section of the Council were consulted regarding the proposal and responded that contained within Document 01, date stamped 23 January 2023, reference is made to the applicant operating a break-down service and that on occasions, vehicles will have to be temporally stored on the site. No hours of operation have been provided for when these vehicles will be moved onto and off of the site, therefore Environmental health requires further information in relation to vehicle movement activities.

Belfast International Airport were consulted regarding the proposal and responded with no objections to the proposal.

PPS 15 Planning and Flood Risk

Policy FLD 3 Development and Surface Water (pluvial) Flood Risk Outside Flood Plains requires a Drainage Assessment for a change of use involving new buildings and/or hardstanding exceeding 1000sqm in area. The application is far in excess of the 1000 sqm threshold and therefore requires the submission of a Drainage Assessment in order for DfI Rivers to make an assessment of the development from a flood risk perspective. No Drainage Assessment was submitted, nor was it requested due to the

proposed development not being considered acceptable in terms of its visual impact.

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 of PPS 21 and OS3 of PPS 8;
- The proposal would appear unduly prominent within the landscape;
- The design of the building is inappropriate for the site and location, and the site lacks established boundary treatments for integration;
- The proposal would fail to blend with the existing landform;
- The proposal does not respect the traditional pattern of development exhibited in the area;
- There are no neighbour concerns regarding impact on neighbour amenity;
- The Environmental Health Section require further information before making an assessment; and
- The proposal may give rise to surface water flooding and no Drainage Assessment has been provided.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy OS3 of Planning Policy Statement 8, Sustainable Development in the Countryside, in that the proposal would have an adverse impact on visual amenity and character of the local landscape; the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation or topography; satisfactory arrangements for drainage disposal have not been demonstrated; and the scale of the building is not ancillary to the recreational element, and is not of a scale appropriate to the local area will not appear sympathetic with the surrounding environment.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would appear a prominent feature in the landscape; the site lacks long established boundary treatments; the site relies primarily on new landscaping for integration; the design of the building is inappropriate for the site and locality; the proposal fails to blend with the existing landform; the proposal does not respect the traditional pattern of settlement exhibited in the area.
3. The proposal is contrary to the Policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that the roadside boundary wall detracts from the appearance and character of the site and surrounding area by way of scale, massing, design and materials.




Site Location Plan

Application Reference: LA03/2023/0041/F

Location: Lands to the rear of No. 9 and No. 13 Ballyhill Road,
Ballyhill Lower, Crumlin

Proposal: Extension of residential curtilage, erection of building
to include stables, domestic storage and exercise area for ponies



 Site boundary



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2021/0612/O
DEA	DUNSILLY
COMMITTEE INTEREST	PREVIOUS COMMITTEE DECISION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Infill site for 1 no. dwelling and garage under CTY 8
SITE/LOCATION	Lands 80m South of 50D Loughbeg Road Toomebridge, BT41 3TN
APPLICANT	Conall O'Doibhlin
AGENT	Ward Design
LAST SITE VISIT	6 th July 2021
CASE OFFICER	Dani Sterling Tel: 028 903 40438 Email: dani.sterling@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Preliminary Matters

This application was previously presented to Planning Committee on the 20th September 2021 with a recommendation to refuse. At that meeting the Committee determined that the application should be refused in accordance with the Officers recommendation and a decision to refuse outline planning permission issued on the 23rd September 2021.

Following the issue of the decision to refuse outline planning permission, the applicant submitted an appeal to the Planning Appeals Commission (PAC). During the course of the appeal the PAC identified that the site address provided by the agent and advertised by the Council may be misleading and could prejudice members of the public from understanding where the site was located. The site had previously been described as; "Lands 80m South of 44 Loughbeg Road Toomebridge". The PAC took the view that the address may not sufficiently identify the site and sufficient prejudice may have been caused to the public. The PAC considered that given the site address specified on the decision notice that there was no valid appeal as there was, in their view no valid decision before them.

The Planning Section has accepted this decision of the PAC and has re-advertised and re-neighbour notified the application with the site address amended to read; "Lands 80m South of 50D Loughbeg Road Toomebridge, BT41 3TN."

Following the re-advertisement and neighbour notification process, no third party representations have been received.

This application was previously recommended for refusal for the following reasons:

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

2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not comprise a small gap within a substantial and continuously built up frontage.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up when viewed with the existing dwellings along the shared laneway.

An amended site location plan under Drawing 01/2 date stamped 2nd February 2023 and an indicative site layout under Drawing 02 date stamped 28th February 2023 have been submitted by the agent in support of the application.

Policy Context and Principle of Development

The application previously failed in regards to the overall site representing a gap that was capable of accommodating more than two dwellings whilst still respecting the overall character of the area and was therefore considered contrary to the policy provisions outlined with CTY 8.

Neighbouring property No. 50E was originally granted approval for a separate access and laneway which accessed directly onto the Loughbeg Road. It is relevant to note that during the interim period between the original decision in September 2021 and notice of the invalid appeal that a subsequent application planning ref: LA03/2022/0239/F was submitted which retrospectively approved an amended access to serve adjacent dwelling No. 50E via an existing shared laneway that also serves No. 50D, No. 48 and No. 46 Loughbeg Road. A post and wire fence is erected along a section of the laneway which inadvertently obstructs the continuous nature of the shared laneway to the farm buildings and dwellings associated with No's 46 and 48. It is acknowledged that although the laneway has a post and wire fence across it, the barrier appears temporary and the laneway does appear to operate as a shared laneway, although this may be occasionally.

The agent has provided an indicative site layout (Drawing 02) demonstrating how two dwellings could be accommodated within the site whilst still respecting the overall character. The agent has indicated on Drawing 01/2 date stamped 2nd February 2023 the frontage of the application site extends to 72.3 metres and the frontages of dwellings No. 50D and 50E extend to 40.6 metres and 32.1 metres respectively.

As previously considered the buildings making up the substantial and continuously built up frontage include No's 50D, 50E and the associated stone outbuilding associated with 50E. The agent has included two additional buildings which are situated to the front of No. 50D. These buildings are excluded from the overall built up frontage as these buildings are not authorised and do not benefit from planning permission. The relevant buildings making up the substantial and continuously built up frontage remains as previously considered and the site forms an approximately 93 metre stretch of land lying between No's 50D and 50E.

The third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The provision of two dwellings within the application site as indicatively demonstrated on Drawing 02 would create two frontages of approximately 34 metres and 37 metres. It is relevant to note that the description of the application proposes one dwelling only, however, Drawing No. 02 is provided for illustrative purposes to demonstrate that only a maximum of two dwellings could be accommodated within the gap.

It was previously determined that each building identified within the substantial and continuously built up frontage must also serve an individual road frontage width which at times would result in the subdivision of a plot when more than one building was identified as having a frontage within the same roadside plot. This interpretation was previously taken in regards to the plot at No. 50E, which subdivided the plot into two frontages extending to approximately 24 metres and 6 metres comprising the dwelling (No. 50E) and the stone outbuilding respectively.

Following a Planning Appeals Commission (PAC) decision for two dwellings at Craigstown Road under appeal references: 2022/A0047 and 2022/A0048, the PAC took the view that there is no requirement for buildings to form part of the continuously built up frontage to be sited within individual curtilages. The PAC also took the view that even if there were two buildings within the same plot, it was the individual plot in its entirety which was taken as the road frontage width regardless of how many road frontage buildings were associated with the same frontage.

Therefore, the proposed plot frontages are broadly similar to those expressed by both No's 50D and 50E and would respect the existing development pattern along the frontage. Overall, it is considered that the proposal complies with Policy CTY 8 in that the gap between buildings comprises a gap that could accommodate a maximum of two dwellings and is therefore an exception to ribbon development in compliance with Policy CTY 8 of PPS 21.

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

The third and final refusal reason considered the proposal to be contrary to Policy CTY 14 of PPS 21 as the proposal was not considered to be an exception to Policy CTY 8 and would result in a ribbon of development creating a suburban style build up when viewed with the existing dwellings and buildings along the shared laneway. For the reason outlined above the proposal has been identified as an exception to ribbon development and therefore the proposal is not considered to result in a detrimental change to the rural character and therefore complies with Policy CTY 14 of PPS 21.

The application site was previously considered compliant with Policy CTY 13 of PPS 21 due to the setback distance from the public road and the topography of the site providing a backdrop to the proposal. Screening is provided by the natural topography and intervening agricultural field boundaries. It is considered necessary to impose a 6.5 metre ridge height restriction from finished floor level to ensure any dwelling can be accommodated into the landscape. Furthermore, it is considered appropriate that the applicant submits a detailed landscaping plan with the application at the Reserved Matters stage proposing supplementary planting in order

to aid integration of a dwelling on the site should outline planning permission be forthcoming.

Concluding Matters

It is considered that the additional information submitted materially changes the circumstances and has warranted a change to the previous recommendation which is now to grant outline planning permission.

RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
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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 design and external appearance of the buildings 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. At the reserved matters stage a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Councils.

Reason: To ensure the dwelling integrated into the landform and to ensure the residential amenity of existing residents in relative proximity is not adversely affected.

4. The proposed dwelling shall be sited in the area shaded purple on Drawing No. 01/2, date stamped 2nd February 2023.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

5. The curtilage of the proposed dwelling shall be as hatched in pink on Drawing No. 01/2, date stamped 2nd February 2023.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

6. The proposed dwelling shall have a ridge height of no greater than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape and respects the scale of the adjoining buildings.

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: in the interest of visual amenity

8. At the reserved matters stage full details of all proposed tree and shrub planting and a programmed of works shall be submitted to and approved in writing with the Council. The works shall be carried out during the first available planting season after the occupation of any part of the development or in accordance with a programme to be submitted to and agreed in writing with the Council.

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

9. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access location to be constructed and other requirements in accordance with the attached RS1 form.

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




Site Location Plan

Application Reference: LA03/2021/0612/O

Infill site for 1 dwelling and garage under CTY8

Lands 80m South of
44 Loughbeg Road,
Toomebridge

0 30 60
Metres

 Site boundary



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2023/0197/F
DEA	MACEDON
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Retention of a public garden to celebrate the Coronation of King Charles III
SITE/LOCATION	Former Bowling Green, Hazelbank Park, Shore Road, approximately 60 metres south of 38 Abbeydene Manor, Newtownabbey
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	Antrim and Newtownabbey Borough Council
LAST SITE VISIT	03/05/2023
CASE OFFICER	Morgan Poots Tel: 028 90340419 Email: morgan.poots@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is situated on lands within Hazelbank Park, approximately 60 metres south of 38 Abbeydene Manor, Newtownabbey. The site is located within the development limits of Metropolitan Newtownabbey in the Belfast Urban Area Plan (BUAP). The site is located within the development limit of Metropolitan Newtownabbey, within an area of 'Existing Open Space' and within the Local Landscape Policy Area (MNY 46), as designated within the draft Belfast Metropolitan Area Plan (Published 2004).</p> <p>The site formed part of a historic bowling green which is no longer in use and the site boundaries are currently undefined. The site is surrounded by open space within Hazelbank Park. Abbeydene Manor residential development is located beyond the site to the north and Abbeydale Close residential development is located beyond the site to the northwest.</p>	
RELEVANT PLANNING HISTORY	
There is no relevant planning history associated with the application site.	
PLANNING POLICY AND GUIDANCE	

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

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

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

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

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on the 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 interest of acknowledged importance.

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

PPS 8: Open Space, Sport and Outdoor Recreation- sets out planning policies 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 and advises on the treatment of these issues in development plans. In relation to Policy OS 4 Intensive Sport Facilitates.

PPS 16: Tourism: sets out planning policy for tourism development and also for the safeguarding of tourism assets.

CONSULTATION
Belfast City Airport - No objection
REPRESENTATION
No neighbouring properties about the site; therefore, no neighbours were notified of the development proposal. No letters of representation have been received.
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS
<p>The main issues to consider in the determination of this application are:</p> <ul style="list-style-type: none"> • Policy Context and Principle of Development • Design and Impact on Character and Appearance of the Area • Neighbour Amenity • Impact on Environmental Quality of the Area • Other Matters <p>Policy Context and Principle of Development</p> <p>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.</p> <p>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.</p> <p>The application site lies within the settlement limit of Metropolitan Newtownabbey in both plans. It is also situated within an area of 'Existing Open Space' in dBMAP and falls within the Local Landscape Policy Area (LLPA) under designation MNY 46 of dBMAP.</p> <p>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). In this case, the relevant planning policy statements are PPS 8 'Open Space, Sport and Outdoor Recreation' and PPS 16 'Tourism'.</p> <p>Policy OS 1 of PPS 8 'Open Space, Sport and Outdoor Recreation' states that development will not be permitted if it would result in the loss of existing open space or land zoned for the provision of open space. The application site is associated with lands at Hazelbank Park. The development does not remove any of the existing open space, rather it is thought to enhance the existing area of open space by providing an additional public garden. It is considered that the proposal does not conflict with this aspect of PPS 8.</p>

PPPS 16 'Tourism' defines a Tourism Asset as '*Any feature associated with the built or natural environment which is of intrinsic interest to tourists*'. Policy TSM 1 of PPS 16 states that planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. In this case, it is accepted that the subject development could be classified as a tourism asset due to its location within Hazelbank Park and its proximity to Belfast Lough. It is considered that the proposal does not conflict with this aspect of PPS 16.

This application seeks permission for the permanent retention of a public commemorative garden to celebrate the Coronation of King Charles III. The proposal involves the clearance of a former bowling green and planted flower beds to be replaced by a new planted flower garden and a commemorative structure. The site lies within the development limits of Metropolitan Newtownabbey, does not result in the loss of open space, will be a tourism asset in the area and is considered to be acceptable in principle, subject to all other planning and material considerations being met.

Design and Impact on Character and Appearance of the Area

The subject development seeks to retain the public garden which was utilised to celebrate the Coronation of King Charles III. This involves the clearance of a former bowling green lawn and planted flower beds to be replaced by a new planted flower garden and a commemorative structure.

The development relates to a large circular space set in an existing grassed area. The subject structure is centrally sited and surrounded by mixed planting consisting of shrub beds and wildflower meadows. The structure measures a maximum of 16.2 metres in height from ground level with a diameter of 16.2 metres and consists of a spiralling staircase at each side. The structure itself mimics and symbolises a royal crown and could be described as 'regal' in its design consisting of a bronze and gold colour palette.

Although this structure is considerable in height, there are large mature trees beyond the rear (northern) boundary of the site, which are of a similar height and act as a screening barrier from the roadside and the neighbouring properties.

The proposal is set within the grounds of Hazelbank Park and as such the aim is to create a setting where visitors can enjoy the commemorative garden within the context of the surrounding area of Hazelbank Park and Belfast Lough. As such, the proposal is deemed to be of an acceptable design and scale and is not considered to lead to the loss of, or cause harm to, the character, principal components or setting of Hazelbank Park and the surrounding area. The proposal is therefore considered to comply with Policy TSM 1 of PPS 16.

The layout, scale and design of the subject development is considered to be acceptable and will not detract from the appearance or character of the surrounding area.

Neighbour Amenity

The nearest residential properties are located over 60 metres to the north within Abbeydene Manor. Due to the separation distance, it is considered that there will be no significant loss of residential amenity in this area.

The Council's Environmental Health Section was not consulted on this application as there are no immediate sensitive receptors which have the potential to be impacted by the proposal.

Impact on Environmental Quality of the Area

The application site is situated at Hazelbank Park and surrounded by wooded parkland habitats. The site is located 165 metres east of the following national, European and International designated sites: the Belfast Lough Area of Scientific Special Interest (ASSI); the Belfast Lough Ramsar Site; and the Belfast Lough Open Water Special Protection Area (SPA).

Policy NH 1 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to have a significant effect on a European Site, SPA, proposed SPA, or a listed or proposed Ramsar Site. Policy NH 3 states planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an ASSI.

A Preliminary Ecological Appraisal (PEA), Document 01, date stamped 28th April 2023, was submitted in respect of the development proposal. The PEA states that the proposal has had no significant effect on any designated site due to the nature of the proposal and the separation distance of 165 metres from any designated site. The document states that the creation of the planted garden will provide a boost in biodiversity for the local area, when compared to the previous bowling green lawn. No evidence of any Northern Ireland priority or protected species were identified on site.

Due to the findings contained within the PEA, no consultation with the Department of Environment, Agriculture and Rural Affairs (DAERA) was considered necessary given the distance from any designated sites or the lack of flora and fauna utilising the site.

Other Matters

Consultation

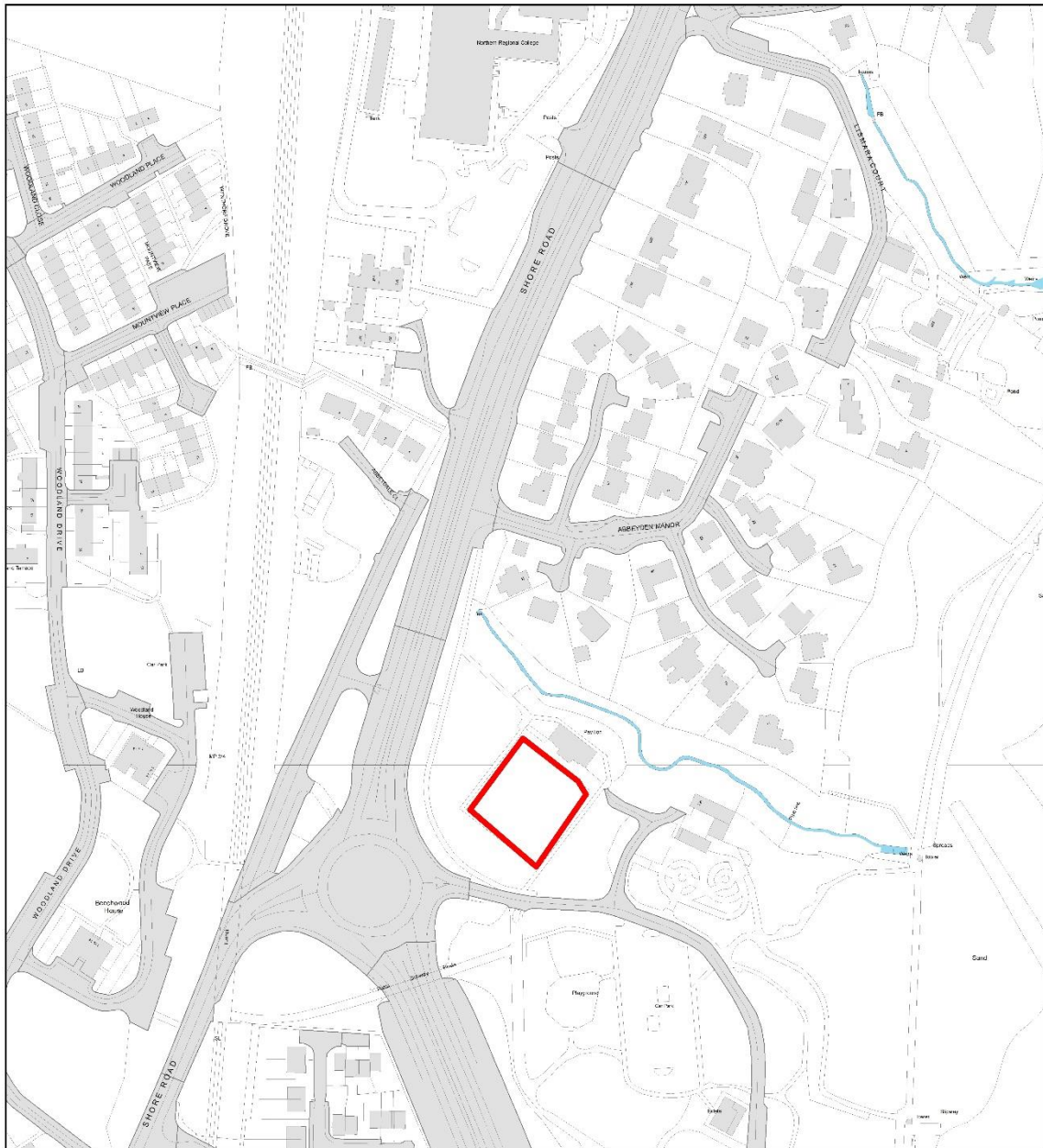
Due to the height of the structure reaching a maximum height of 16.2 metres, consultation was carried out with Belfast City Airport who responded with no objections to the proposal.

CONCLUSION

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

- The principle of development is considered acceptable;
- The layout, scale and design of the proposal is appropriate;
- There will be no detrimental impact on the character and appearance of the area;
- The proposal will not unduly affect the amenity of neighbouring residents; and

<ul style="list-style-type: none"> The proposal will not have a detrimental impact on any designated sites and or protected species. 	
RECOMMENDATION	GRANT PLANNING PERMISSION
CONDITION	
<p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>	



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Site Location Plan

0 60 120
Metres



Application Reference: LA03/2023/0197/F

 Site boundary

Proposal: Retention of a public garden to celebrate the Coronation of King Charles III

Location: Former Bowling Green, Hazelbank Park
, Shore Road, approximately 60 metres south of 38
Abbeydene Manor, Newtownabbey

