



13 March 2024

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

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

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

Dear Member

MEETING OF THE PLANNING COMMITTEE

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

You are requested to attend.

Yours sincerely

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

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

PLEASE NOTE: Refreshments will be available from 5.00 pm

For any queries please contact Member Services:

Tel: 028 9448 1301/ 028 9034 0107

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – 19 MARCH 2024

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2023/0131/F

Change of use of existing waste transfer building to a thermal recovery building utilising a 3MW combined heat and power plant and including external changes to the building involving an increase in height, installation of 2no. stacks and air-cooled condensers and other associated development and site works such as drainage infrastructure and landscaping at 6A Caulside Drive, Newpark Industrial Estate, Antrim, BT41 2DU.

3.2 Planning Application No: LA03/2022/0597/F

Proposed erection of 98 residential units in a mix of detached, semi-detached and apartments with associated car parking, amenity space, solar PV panels, retention and enhancement of existing open spaces & creation of new open space, hard and soft landscaping and associated site works at Lands bound to the north by Mayfield High Street and Aylesbury Place, to the east by 4-22 Mayfield Park (evens) and 34 and 37 Mayfield Road; to the west by 16 Aylesbury Lane, 1-19 (odds) and 20 Aylesbury Rise, 5 & 24 Aylesbury Grove; 2 Aylesbury Place 12-26 (evens) Aylesbury Avenue and 5-9 (odds) Aylesbury Park; and to the south by 104 and 106 HydePark Road, Mallusk.

3.3 Planning Application No: LA03/2024/0020/F

Proposed erection of children's play park and associated site works at Lands at Mayfield Park, Approx. 40m north west of 20 Mayfield Dale, Mallusk.

3.4 Planning Application No: LA03/2023/0629/F

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

3.5 Planning Application No: **LA03/2024/0005/F**

Proposed conversion & re-use of existing outbuilding of permanent construction to form 4 no. residential units at approx. 35m east of 8A Logwood Road, Ballyclare, BT39 9LR.

3.6 Planning Application No: **LA03/2023/0617/O**

2 no. detached dwellings and garages at approx. 10m North East of 14 Lowtown Road, Templepatrick, BT39 0HD.

3.7 Planning Application No: **LA03/2023/0599/F**

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

PART TWO – Other Planning Matters

3.8 Delegated Planning Decisions and Appeals February 2024

3.9 Department for Infrastructure (DfI) Call for Evidence – Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the Issue of Climate Change

PART TWO – Other Planning Matters – IN CONFIDENCE

3.10 Local Development Plan Update – In Confidence

PART ONE - Decisions on Enforcement Cases – IN CONFIDENCE

3.11 Enforcement Case LA03/2021/0308/CA – In Confidence

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2023/0131/F
DEA	ANTRIM
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use of existing waste transfer building to a thermal recovery building utilising a 3MW combined heat and power plant and including external changes to the building involving an increase in height, installation of 2no. stacks and air-cooled condensers and other associated development and site works such as drainage infrastructure and landscaping.
SITE/LOCATION	6A Caulside Drive, Newpark Industrial Estate, Antrim, BT41 2DU
APPLICANT	McQuillan Envirocare Ltd
AGENT	MBA Planning
LAST SITE VISIT	20 th April 2023
CASE OFFICER	Alicia Leathem Tel: 028 9034 0416 Email: alicia.leathem@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.	
SITE DESCRIPTION	
<p>The application site is located within the settlement limit of Antrim Town on lands zoned for industry as defined by the Antrim Area Plan 1984-2001 (AAP). The application site is located on the edge of the settlement limit with the rural area located to the immediate east.</p> <p>The application site is located within Newpark Industrial estate and currently comprises of McQuillan Envirocare Waste Treatment and Transfer Facility. The infrastructure at the existing site includes a reception area (portacabin/ office, weighbridge and car parking), external storage areas (open and covered), the existing waste transfer station building (application building) and the chemical treatment facility and the soil treatment building.</p> <p>Surrounding land uses are mainly industrial uses with residential properties located to the south in Caulside Park and to the east along New Lodge Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2021/0754/F Location: McQuillan Envirocare, Newpark Industrial Estate, Caulside Drive, Antrim, BT41 2DU Proposal: Erection of building for collection of difficult/special waste (Variation of Condition 2 from T/1997/0133/F to permit transfer of clinical waste EWC 18 01 03 only). Decision: Permission Granted (14/10/2021)</p>	

Planning Reference: LA03/2021/0917/LDP

Location: McQuillan Envirocare, Newpark Industrial Estate, Caulside Drive, Antrim, BT41 2DU

Proposal: The proposed use of waste code (18 01 02) is permitted under the terms of planning approvals T/1997/0133, T/2004/0207/F & LA03/2021/0754/F.

Decision: Consent Granted (16/12/2021)

Planning Reference: LA03/2018/0256/F

Location: 40 metres east of No. 4 Caulside Drive Newpark Industrial Estate Antrim

Proposal: Construction of an additional building on site for soil storage and treatment (relocation of existing process).

Decision: Permission Granted (09/07/2018)

Planning Reference: LA03/2017/0048/F

Location: McQuillan Envirocare, Newpark Industrial Estate, Caulside Drive, Antrim, BT41 2DU

Proposal: Proposed chemical treatment facility and associated offices (variation of Condition 5 Appendix A of planning approval T/2009/0655/F to include two new EWC codes)

Decision: Permission Granted (19/05/2017)

Planning Reference: LA03/2016/0219/NMC

Location: McQuillan Envirocare, Newpark Industrial Estate, Caulside Drive, Antrim, BT41 2DU

Proposal: Non-Material Change to Planning approval T/2009/0655/F (Proposed chemical treatment facility). Provision of an additional waste storage tank (25000 litres for non-hazardous waste material)

Decision: Consent Granted (04/05/2016)

Planning Reference: T/2009/0655/F

Location: McQuillan Envirocare, Newpark Industrial Estate, Caulside Drive, Antrim, BT41 2DU

Proposal: Proposed chemical treatment facility and associated offices, laboratory, car parking and lorry park, covered storage bays for empty containers and retention of existing covered storage bays and the addition of a crusher and shredder to deal with waste packaging from adjacent waste transfer station.

Decision: Permission Granted (10/10/2011)

Planning Reference: T/2004/0207/F

Location: McQuillan Envirocare, Newpark Industrial Estate, Caulside Drive, Antrim, BT41 2DU

Proposal: Application for Variation of Planning Condition No 2 of Planning Approval T/1997/0133 to allow storage within the transfer station of asbestos-containing waste, i.e. removal of asbestos-containing wastes from list of excluded wastes given in condition no 2.

Decision: Permission Granted (02/09/2004)

Planning Reference: T/1997/0133/F

Location: Newpark Industrial Estate, Caulside Drive, Greystone Road, Antrim

Proposal: Erection of Building for Collection of Difficult/Special Waste

Decision: Permission Granted (18/01/2000)

PLANNING POLICY

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

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

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

Antrim Area Plan 1984-2001 (AAP): The application site is located within the development limit of the Belfast Urban Area on lands zoned for Industry & Commerce.

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

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

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

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

PPS 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 13: Transportation and Land Use: assists in the implementation of the RDS, the primary objective of PPS 13 is to integrate land use planning and transport by promoting sustainable transport choices.

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 – No objection, subject to conditions.

NI Water – No objection.

DAERA Regulation Unit - No objection, subject to conditions.

DAERA Water Management Unit – No objection, subject to conditions.

DAERA Industrial Pollution & Radiochemical Inspectorate – No objection.

DAERA Natural Environment Division – No objection, subject to conditions.

Health & Safety Executive – No objection.

Shared Environmental Service – No objection, subject to condition.

DfI Roads – No objection.

Public Health Agency – No comment.

REPRESENTATION

Seven (7) neighbouring properties were notified, and two-hundred and twenty three (223) objections were received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal
<https://planningregister.planningsystemni.gov.uk>

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

- Environmental impact;
- Health issues;
- Odour impacts;
- Noise impacts;
- Devaluation of property;
- Hazardous air pollutants (carbon monoxide, acid gases, nitrogen and cancer causing dioxins);
- Wide spread concerns over the effects of the particles and lack of conclusive comprehensive evidence;
- Introduction of additional waste codes involved in the process;

- The tonnage of the waste brought onto site will increase, and the impact on the baseline data within the ES relating to noise, traffic soils and water, landscape and visual, ecological and archaeology.
- Incineration harms recycling, exacerbates climate change, is a barrier to the circular economy and the UK already faces incineration overcapacity.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Legislative Matters
- Existing and Proposed Operations
- Policy Context and Principle of Development
- Pollution Prevention Control (PPC) Permit
- Layout, Design and Impact on Character and Appearance
- Neighbouring Amenity
- Natural Heritage
- Traffic, Transport and Road Safety
- Other Matters

Legislative Framework

Pre-Determination Hearings

Section 30 (1) of the Planning Act 2011 and Regulation 7 (1) of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out the requirements in which the Council must hold a pre-determination hearing prior to determination of the application. The current proposal does not fall under the aforementioned regulations and therefore the Council is not obliged to hold a pre-determination hearing. However, Regulation 30 (4) indicates that the Council may if it chooses hold pre-determination hearings for other applications.

The reasons for a potential pre-determination hearing in his case relate to the level of public interest in the application with two-hundred and twenty-three (223) objections being received. However, the majority of these objections are a preformatted response raising the same issues, which have been addressed through the assessment of the application and the issues are detailed within the body of this report.

Environmental Statement

The application was accompanied by an Environmental Statement. The Council's Planning Section in consideration of the application is obliged under Regulation 24 (1) of the Planning (Environment Impact Assessment) Regulations (NI) 2017 to examine the environmental information; reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that reasoned conclusion into the decision. The effects of the proposal on the environment are considered within the body of this report, the Council's Planning Section is of the opinion that the potential environmental impacts of this development are sufficiently well understood and with the inclusion of recommended mitigation measures are not likely to be significant.

Habitats Regulation Assessment

Regulation 23 (1) of the Planning (Environment Impact Assessment) Regulations (NI) 2017 requires in relation to EIA development there is also a requirement to carry out a

Habitats Regulation Assessment (HRA). A shadow HRA (Document 02) was submitted by the applicant. In addition, this planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the report, and conclusions therein, prepared by Shared Environmental Service, dated 11th March 2024. The report found that the project would not have any adverse effect on the integrity of any European site.

Existing and Proposed Operations

Existing Operations

The applicant, McQuillan Envirocare Ltd, seeks to change the use of an existing waste treatment and transfer facility (WTF) building to a thermal recovery facility to produce heat and power. The key components at the existing site are a reception area (portacabin/ office, weighbridge and car parking), external storage areas (open and covered), the existing waste transfer station building subject of the application, the chemical treatment facility and the soil treatment building.

The site is currently Northern Ireland's (NI) primary hazardous waste transfer station for solid wastes with a chemical treatment facility for both hazard and non-hazardous waste. The core permission for the historic use of the site includes planning approval Ref's: T/1997/0133/F and T/2009/0655/F. The existing transfer and treatment facility can accept up to 25,000 tonnes per annum of hazardous waste and 25,000 tonnes per annum of non-hazardous waste.

Pharmaceutical waste comes predominately from the Almac Group and the Health Trusts, with all other streams originating from other various locations across NI including NI Water and DuPont. The feedstocks for the proposed thermal recovery facility include pharmaceutical waste, oil sludge, paint/adhesives, rags/wipes, polymer waste, laboratory smalls/solid toxic solvents and various liquid solvents. Currently the site accepts approximately 3,800 tonnes per annum of this feed stock, however, it is envisaged that this will increase to 4,650 tonnes per annum.

All wastes are currently delivered to the site in sealed drums or intermediate bulk containers (IBC's) and upon entering the site are weighed and recorded in line with the existing waste acceptance procedures laid out and required by the site's various waste license and Pollution Prevention Certificate conditions and controls. Materials are then stored within dedicated covered or uncovered areas of the existing yard including bunded areas prior to treatment and/or transfer. Currently this waste is exported to various locations across both Great Britain (GB) and Europe including the Netherlands and Belgium.

Proposed Operations

The proposal seeks to change the use of the existing WTF building to a thermal recovery process building involving combined heat and power technology. The proposal does not include any change to the tonnage of waste (both hazardous and non-hazardous) or the waste types that may be accepted on site. Supporting documentation indicates that the proposal is to treat approximately 4,650 tonnes per annum of feedstock.

The proposed recovery process involves inputting feedstock which is presently accepted and processed on the wider site. The feedstock will then be added to specific batches within 1,100 litre Eurobins, and recorded for traceability purposes, in line with existing procedures and placed within the reception area of the proposed thermal recovery building.

Solid waste is introduced to the kiln via a bin lift system, the bins are elevated and automatically tipped into the feed hopper. The operation of the system comprises of two sections that being the primary and secondary combustion chambers. The primary combustion chamber is where solid waste is destroyed with the feedstock being fed into the chamber once a temperature of 1100°C has been reached. Within the primary combustion chamber the waste progresses through a rotary kiln, bottom ash is a by-product of this operation and hot gases produced from the primary combustion chamber are transferred to the secondary chamber.

The secondary combustion chamber serves to provide the necessary temperature, oxygen and resident time conditions. The gases are then transferred to the waste heat boiler via a hot gas duct. All steam produced by the waste heat boiler is directed through a turbine to generate electricity to power the plant and the wider site. Flue gases are treated through an integral flue gas treatment system which involves both dry and wet scrubbing processes.

The process will generate 1.8MWth of hot water which is intended to be piped to JANS Composites abutting the site to the south for use in their heating system and industrial processes.

It is indicated within supporting information that the plant will run 24 hours a day, 7 days a week and will only shut down for maintenance purposes twice per year. The delivery of feedstock or dispatch of spent materials will take place within the same hours as the existing WTTF, that is, 07.00-23.00 Mondays-Saturdays, with no such activity on Sundays or Public Holidays.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires that regard should be made to the Local Development Plan, so far as material to the application. Section 6 (4) of the Planning Act also states that where, in making any determination, regard should be made to the Local Development Plan that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan Context

The Antrim Area Plan 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located, and regional planning policy is also material to the determination of the proposal. The application site is located within the settlement limit of Antrim Town on lands zoned for industrial use.

The proposal seeks permission for the change of use of an existing waste transfer building to a thermal recovery building utilising a 3MW combined heat and power plant and including external changes to the building involving an increase in height, installation of 2no. stacks and air-cooled condensers and other associated development and site works such as drainage infrastructure and landscaping. There is no specific policy or guidance within the AAP in relation to this type of proposal.

Strategic and Regional Policy Context

The Regional Development Strategy (RDS) 2035 sets out strategic guidelines for development in Northern Ireland. One of its overarching aims is the need for action to reduce NI's carbon footprint and facilitate adaptation to climate change. Fundamental to this aim is the requirement to prevent waste and deal with it in line with the revised Waste Framework Directive. Policy RG 9 of the RDS requires a reduction in NI's carbon footprint and the need to facilitate mitigation and adaptation to climate change whilst improving air quality. The applicant indicates within their supporting documentation (Document 01) that the proposal will reduce the need for export of feedstock to Great Britain and Europe and also will reduce the applicant's reliance on the grid, the use of fossil fuels and will reduce the carbon footprint of neighbouring JANS Composites through the provision of hot water for heating which is a by-product of the recovery process.

Policy RG10 of the RDS outlines that managing waste is a significant part of how we treat our environment. If waste is not managed safely then it can become a serious threat to public health and can cause damage to the environment as well as being a local nuisance. Policy RG 10 requires that the waste hierarchy principles are applied. The revised Waste Framework Directive introduces a 5-step waste hierarchy which aims to encourage the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. Policy RG 10 of the RDS also requires that the proximity principle is applied. This will emphasise the need to treat or dispose of waste as close as practicable to the point of generation to minimise the environmental impacts of waste transport. The applicant indicates that the proposal gives the applicant the ability to process certain wastes that are otherwise exported out of Northern Ireland to other countries.

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. Paragraph 6.307 of the SPPS recognises the strategic importance of managing our waste sustainably and refers to the Northern Ireland Waste Management Strategy, the EU Framework Directive recycling targets, and the NI Executives Programme for Government commitments. Paragraph 6.308 refers to the 5-step waste management hierarchy laid down in Article 5 of the Waste Framework Directive. It recognises that waste disposal should only be used when no option further up the hierarchy is possible. As stated in paragraph 6.309 of the SPPS, the aim in relation to waste management is to support wider government policy focused on the sustainable management of waste, and move towards resource efficiency.

Waste Management Policy Considerations

Planning Policy Statement 11 (PPS 11) deals with waste management, Policy WM1 indicates that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that a number of criteria can be met. A letter of objection raised concerns that incineration harms recycling, exacerbates climate change, is a barrier to the circular economy and the UK already faces incineration overcapacity. As indicated above the application has been

accompanied by an Environmental Statement, the environmental effects and Policy WM1 considerations are dealt with as they arise throughout the report.

Policy WM2 deals with waste collection and treatment facilities, and requires there to be a need for the facility as established through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP). For the avoidance of doubt paragraph 7.3 indicates that for the purposes of Policy WM2 waste treatment projects include the thermal treatment of waste through incineration.

Northern Ireland Waste Management Strategy 'Delivering Resource Efficiency' (WMS) highlights the importance of the waste hierarchy and goes on to indicate that it is not possible to prevent, reuse or recycle all the waste that is produced, and the next priority is to extract value from the residual waste in the form of energy and other by-products. The WMS goes on to state that the requirement for Best Practicable Environmental Option (BPEO) as referred to in Policy WM2 will be removed and regional waste management plans will be prepared by the three District Council Waste Management Groups. In 2013 the former Department of the Environment (DOE) published guidance stating that the Best Practicable Environmental Option (BPEO) was no longer a material planning consideration following the publication of the WMS, this is confirmed by paragraph 6.3 of the SPPS.

The Arc21 Waste Management Plan (WMP) 2015 provides a framework for waste management provision and a regional network of facilities for all controlled wastes within the Arc21 Region which includes the Council Borough. It establishes the overall need for waste management capacity and details the proposed arrangements to deal with the wastes produced in a sustainable manner. There is a requirement within the WMP to assess the contribution of different waste management options and future waste facilities. The WMP indicates that to ensure the effective management of controlled waste in the Arc21 Region, a combination of waste management options will be required. These options should work in harmony with one another to provide an integrated waste management system. They are prioritised using the principles applied in the waste hierarchy with a focus on waste prevention, followed by reuse, recycling and recovery with disposal as the least preferred option at the bottom of the hierarchy.

The WMP indicates that recovery options have been considered in terms of biological, physical and thermal treatment with energy recovery (i.e. energy from waste) as it is recognised that recovery from residual waste will be required to play an integral role in the future management of wastes in the Arc21 Region. In relation to hazardous waste the WMP indicates that for environmental and safety reasons, high temperature incineration is considered the most appropriate disposal route for certain hazardous wastes. The Future Requirements Section of the WMP (paragraphs 10.38-39) does not make any specific recommendations, rather deferring to a forthcoming Hazardous Waste Policy Statement which is to be produced by DAERA and the applicant indicates that they would intend to be consistent with it. In this case the applicant indicates that the proposal is a recovery process resulting in the benefit of both power for the wider site and hot water for the adjacent JANS Composites. It is considered that the overall process is compatible with the WMP.

Need

Supporting documentation indicates that in recent years various problems have been encountered which have the potential to cause medium and long-term

impacts. These impacts include a limitation on the amount and type of waste accepted at the export locations within both GB and Europe. It is also indicated that due to capacity and maintenance issues that acceptance can be volatile and may not be a suitable solution going forward due to a change in business model. Additionally it is indicated that Brexit issues have caused disruption in regards to pricing and the completion of documentation has become significantly more onerous.

It is stated within the ES that the applicant regularly assesses the ability to send feedstock for recovery to other sites across GB and Europe but for financial, operational and environmental reasons alternatives are highly limited. In addition, it is indicated that some of its customer base is expanding which has resulted in an additional 50 tonnes per month being brought to the wider site. While this tonnage remains within the licenced capacity of the wider site it further compounds the wider capacity issues for the final treatment of these wastes. It is indicated by the applicant that the proposed thermal plant will resolve these bottlenecks and support those businesses which rely on the applicant's operation to recover its hazardous waste and redundant medicines in line with strict sustainability obligations.

Waste Recovery Benefits

Policy WM2 of PPS 11 also requires that in the case of proposals for the incineration of waste and other thermal processes they shall incorporate measures to maximise energy recovery both in the form of heat and electricity. In this case the applicant has indicated that the process and the technology ensures that the operations are waste recovery rather than disposal given the benefit of the power and hot water resource. Supporting information indicates that the plant will provide the full electrical power supply for the WTTF and will see a carbon saving of 57.96 tCO₂e per annum and the plant will be utilised as a heat provider replacing the equivalent supply of 10,000 litres of kerosene with a further carbon saving of 25.59 tCO₂e. JANS Composites, located on the adjoining site will also replace approximately 160,000 litres of kerosene which will equate to a carbon saving of 409.53 tCO₂e per annum. The supporting information also provides a breakdown of the carbon savings as a result of the reduction in transportation and exportation movements.

Overall it is considered that the proposal fits into waste hierarchy and moves the process up the hierarchy to recovery rather than disposal, additionally there is a logical reasoning that the proximity principle is fulfilled in that the waste is currently located within the application site as part of the wider waste treatment and transfer site with no further transportation required. Additionally the proposal allows for the waste to be processed domestically rather than being exported. Overall it is considered that the proposal is compatible with the detail within both the WMS and WMP and for operational reasons it is accepted that there is a need for the waste recovery within the existing Waste Treatment and Transfer site. The subsequent energy production and reduction of the carbon footprint of the two existing operations is considered a benefit of the proposal. Policy WM2 of PPS11 also requires the development type to be located in a number of stipulated geographical locations, one of these being within an industrial area of a character appropriate to the development, while Policy WM1 requires that the proposal is designed to be compatible with the surrounding land uses. The application site is located within an existing industrial park and on lands zoned for industry as defined within the AAP. For the reasons outlined above it is considered that the principle of development has

been established subject to all other policy and environmental considerations being met.

Pollution Prevention Control (PPC) Permit

The planning and pollution control regimes are separate but complementary systems for the regulation of proposals of this nature. Advice on the relationship between the planning and pollution control regime is set out in Planning Policy Statement 11 'Planning and Waste Management'. This advises that planning control primarily focuses on whether the development itself is an acceptable use of the land rather than on the control of processes or substances involved as well as regulating the location of the development in order to minimise adverse effects on people, the use of land and the environment.

It further advises that the pollution control regime is concerned with the control and regulation of proposed operations and processes along with their day-to-day operation. The objective is to ensure that the activity is undertaken, and any waste associated with it is disposed of appropriately or suitably treated, without endangering human health or causing harm to the environment.

PPS 11 also states that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. As such the Council in exercising its role as Planning Authority must make its decisions on the basis that the relevant pollution control regime will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authority, in this instance the Department of Agriculture, Environment and Rural Affairs (DAERA).

It is indicated within the supporting documentation that the site is operated under an existing PPC Licence and Waste Management Licence. Consultation was carried out with DAERA, Industrial Pollution and Radiochemical Inspectorate who advised that the proposed development will need a permit to operate as it falls under Schedule 1, section 5.1 of the Pollution Prevention and Control Regulations (Northern Ireland) 2013. DAERA Industrial Pollution and Radiochemical Inspectorate has raised no objections to the proposal.

Layout, Design and Impact on Character and Appearance

Policy WM1 requires any proposal to be compatible with the surrounding area and the visual impact of the facility to be acceptable in the landscape. Policy WM2 requires that proposals involving the sorting and processing of waste are carried out within a purpose built or appropriately modified building.

The proposal requires alterations to the existing waste transfer building including an increase in the height of a section of the existing building by 10.1 metres, from 6 metres to 16.1 metres. The introduction of two new stacks extending to 23.9 metres for the main stack and 19.6 metres for the emergency stack and an additional roller shutter door in the eastern elevation. The proposed works will also include ground mounted air cooled condenser units measuring 4.5 metres in length, 1.5 metre in depth and 3.5 metres in height elevated approximately 0.5 metres above ground level and located to the southern gable of the existing building. The proposal includes the raising of the existing bunded floor internally by 0.5 metres to the adjoining yard level and the piling of the concrete bund to support the new plant.

The proposal will involve a pipework connection (1200mm) to JANS Composites at the southern boundary and the inclusion of an electrical connection.

It is considered that the majority of the works are considered minimal within the context of the wider site with the fundamental changes being the raising of the roof and the inclusion of two stacks. Critical views of the building will be achieved when travelling along the Greystone Road and the New Lodge Road with views of the stacks being experienced from both short and long distance viewpoints. Although the increased building height and the proposed stacks will result in a change of the existing landscape view, the location is within an existing industrial area and from this perspective will not appear out of keeping with the character of the area.

Neighbouring Amenity

The SPPS and Policy WM1 of PPS 11 requires that any waste management facility will not cause demonstrable harm to human health. Letters of objection raised concerns regarding the environmental effects from the facility including noise, odour and health risk from airborne particles. As indicated above the application site is located within an existing industrial area, however, residential properties are located within close proximity to the application site, to the south in Caulside Park and to the east along New Lodge Road. The thermal recovery process will result in outputs from the process, including process water, bottom ash, fly ash and spent chemicals.

Additionally during operations the facility has the potential to give rise to an increase in air pollutants from on-site combustion processes. In relation to the outputs from the proposal, bottom ash is transferred to an on-site soil treatment facility and tested for inert compliance which can then be used as construction material. Non-compliant material will go to landfill or will be included within the soil treatment process and used for capping of non-hazardous landfill. Fly ash will also be tested on the on-site soil treatment facility for hazardous compliance if necessary and will be treated on site prior to transfer to a licensed disposal site within GB. Other spent chemicals (sodium bicarbonate, activated carbon and Urea) will be repacked and transferred to a licensed disposal site in GB (currently Clearwater in Glasgow).

Public Health and Airborne Pollution

Policy WM1 of PPS 11 indicates that the types of waste to be treated and the proposed method should not pose a serious health risk to air that cannot be prevented or appropriately controlled by mitigating measures. Chapter 5 of the ES deals with the likely effects of the proposed facility with regard to local air quality, odour and human health, supporting information includes Air Quality Objectives, Environmental Assessment Levels and EU Limit Values; IAQM Construction Phase Dust Assessment Methodology; Operation Phase Assessment- Schedule of Results and Cumulative Assessment – Schedule of Results.

The ES indicates that a detailed atmospheric dispersion modelling assessment has been completed to predict ground-level concentrations of pollutants at sensitive human and habitat receptor locations, in accordance with relevant risk assessment guidance. Consideration has been given to background air quality levels; the corresponding impact assessment requires an examination of changes in pollutant concentrations against representative background pollutant concentrations sourced from both national and local data sources. The dispersion modelling exercise has been carried out using five years' worth of weather data in order to take account of differences between years. The atmospheric dispersion modelling assessment

demonstrates that emissions from the proposed facility are unlikely to result in an exceedance of relevant Air Quality Standards or Environmental Assessment Levels in respect of impacts upon human health. Process Contributions at nearby residential receptors were insignificant and likely to have a negligible impact on local air quality.

A Qualitative Odour Risk Assessment has been completed with regards to the site's operation which considered the source odour potential, pathway effectiveness and subsequent risk of odour exposure from the site's operations. The risk assessment demonstrated that the potential for nearby sensitive receptors to experience a slight adverse impact with the proposed facility in operation, which corresponds to a non-significant effect. The proposed facility will be designed and operated in such a manner as to prevent significant odour effects from occurring; the main building structure will be kept under negative pressure conditions with air extracted and sent to the thermal recovery treatment plant for combustion. Fast-acting roller shutter doors will be in place to minimise the time that doors are open when the building is accessed. An Odour Management Plan and identification of Best Available Techniques will be required for submission to DAERA.

Letters of objection raised concerns regarding the lack of comprehensive expert research into the health implications of these facilities and The Scottish Protection Agency has reported epidemiological deficiencies in UK research. Letters of objection go on to indicate that in June 2008 several European Doctor Associations (including cross discipline experts such as physicians, environmental chemists and toxicologists) representing over 33,000 doctors wrote a keynote statement directly to the European Parliament citing widespread concerns over the health effects of airborne particles. Paragraph 2.4 of PPS11 states that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. Importantly it states that planning decisions must be made on the basis that the pollution control regimes will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authorities. In relation to health considerations paragraph 6.7 of PPS 11 states that '....it is the Department's firm view that the planning system is not the place for determining health safeguards. It is for the Department of Health, Social Services and Public Safety to decide what measures are necessary to protect public health' with paragraph 6.8 making it clear that the decisions will be guided by advice from relevant external bodies when considering health as a planning issue.

In this case the Public Health Agency (PHA) was consulted on the proposal and provided no comment to the proposal at this stage rather they would comment during the PPC permit process. Additionally consultation was carried out with the Council's Environmental Health Section (EHS) who indicated that the site is to be permitted and regulated through the Pollution Prevention and Control ("PPC") permitting regime as a Part A activity. The responsibility for the regulation of this and ensuring that the process stays within emission limits lies with DAERA. As such, the site is required to take measures necessary to prevent and/or minimise odour pollution, dust emissions and to prevent an adverse impact to the local air quality. An Odour Management Plan and identification of Best Available Techniques will be required for submission to DAERA in order to mitigate against any possible odour releases. Additionally as indicated above consultation was also carried out with DAERA-IPRI who deals with PPC permits and who indicated that the applicant will be required to apply for a PPC Licence to operate the facility.

Noise

Noise can be generated from two sources, vehicular noise from lorries visiting the facility and noise emanating from the complex itself.

Within Chapter 6 of the ES it is indicated that baseline noise monitoring has been carried out at the nearest noise-sensitive receptor to the proposal to determine the daytime and night-time background levels. The assessment considers individual noise sources as well as cumulative noise levels from all proposed noise sources operating at the same time. The assessment shows a likelihood of no impact at the receptors for both the daytime and night-time periods based upon the predicted noise levels using 3D modelling and the measured background sound levels at the nearest receptor. A Noise and Vibration Impact Assessment for works during the construction phase has been presented and the outcome of the assessment indicates no impact at the nearest noise-sensitive receptor. It is further indicated that where further noise data becomes available, the calculations and assessments should be updated to reflect any changes and mitigation measures which should be reviewed and implemented where necessary.

Consultation was carried out with EHS who indicated that the acoustic consultancy has presented a Cadna noise model to demonstrate the noise impact of the proposed development. EHS indicate that they do not have access to noise modelling software, and are therefore unable to validate the acoustic consultancy's presented noise model, as such EHS comments are based on the assumption that the presented noise model is valid. EHS confirm that the applicant has carried out a Noise Impact Assessment to determine the impact from new noise sources introduced by the proposed waste recovery facility. EHS does not disagree with the conclusions of the noise survey and has raised no objections subject to noise mitigation and monitoring through recommended conditions.

Natural Heritage

PPS 2 sets out the Executive's commitment to sustainable development, conserving, and where possible, enhancing and restoring natural heritage. Policy NH5 states that proposals which are likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Policies WM1 and WM2 of PPS11 indicates that the proposal shall not result in an unacceptable adverse impact on the environment or pose a serious environmental risk to water or soil resources that cannot be prevented or appropriately controlled by mitigating measures. The applicant has submitted ecological information within Chapter 7 of the ES and a Shadow HRA (Document 02) in support of their application.

The justification and amplification of Policy WM1 indicates that whilst modern containment and drainage engineering has significantly reduced the likelihood of water contamination, waste development has the potential surface and groundwater resources if operations are not properly controlled or monitored. The wider existing WTF is a closed bunded system, within which the surface water system is entirely isolated from process areas of the site and can be shut off from the wider industrial estate as required. This arrangement will remain through the design measures which mean that the thermal recovery building will be bunded and will drain to a sump where spills will be pumped off site for disposal and so there is no

potential for contaminants from the proposal to arise and impact the surface water system.

The surface water drainage system, non-domestic wastewater system and isolated drainage systems identified above are entirely separate from each other with no interconnections. The wider sites storm water system discharges to the wider industrial estates storm sewer downstream of the interceptor and grit trap at the entrance to the WTTF. The wider site surfaces, oil interceptor and grit trap are inspected weekly and emptied as necessary. Trade effluent from the wider site is treated through the chemical treatment facility prior to being discharged to the NI Water foul sewer. A number of testing and monitoring requirements are currently ongoing within the wider site as part of the permits and discharge consents, additionally NI Water also undertakes its own independent monthly testing.

Consultation was carried out with DAERA's Water Management Unit (WMU) who considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to recommended conditions and the applicant being in receipt of all other legislative permits/licences. Consultation was also carried out with NI Water who raised no objections to the proposal and indicated that although this part of the Antrim catchment is operating at capacity, the discharge from this facility is within the headroom limits of the existing Trade Effluent Agreement issued by NI Water for this facility. This proposal can be approved on the basis of no additional loading.

Designated Sites

The application site is hydrologically linked to Lough Neagh & Lough Beg Ramsar, which is designated under the Convention on Wetlands of International Importance, Ramsar; Lough Neagh & Lough Beg SPA and Rea's Wood & Farr's Bay SAC, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); Lough Neagh ASSI, which is declared under the Environment Order (Northern Ireland) 2002. Shared Environmental Services (SES) has been consulted with regard to the impact on Designated Sites. SES have considered the impacts of the proposal and are content that there will be no likely significant impact on any designated site subject to conditions. As indicated above the Council has accepted the Habitats Regulation Assessment as carried out by SES.

DAERA Natural Environment Division (NED) has considered the impacts of the proposal and NED acknowledge receipt of the Preliminary Ecological Appraisal which is included within Chapter 7 of the ES. NED agrees with its conclusion and also notes the appropriate mitigation measures outlined within the document. NED also acknowledge receipt of the Shadow Habitat Regulations Assessment (Document 02) and notes that no impacts are likely as a result of the proposal and that the potential pathway for surface run-off or contaminants entering the watercourses to affect the designations will be eliminated and managed through good environmental standards of practice during the construction phase. In relation to air quality, NED consider an appropriate screening distance of 500m for potential impacts is appropriate for a 3MW combined heat and power plant. Therefore, NED are content no impacts are likely to arise from NO_x emissions on designated sites. In relation to non-designated sites, Chapter 7 of the ES states that the site holds negligible ecological value for any priority species with the wider site consisting of hardstanding, amenity grassland, shrubs and buildings.

Traffic, Transport and Road Safety

Policy AMP1 of PPS3 seeks to create a more accessible environment for everyone and the key objective of Policy AMP2 is to ensure that access to development sites will not prejudice road safety or significantly inconvenience the flow of traffic, Policy WM1 of PPS 11 reiterates the requirements of Policy AMP2 in regards to road safety. All wastes received by the existing operation are delivered in designed HGVs or in appropriate sealed drums or IBCs. Vehicles range from small vans to 44 tonne HGVs. There are approximately 20 deliveries a day, deliveries and dispatches are restricted to between the hours of 07.00-23.00 Monday to Friday and at no times on a Sunday or Public Holidays.

A Transport Assessment Form (Document 03) was submitted with the application and confirms that the existing WTTF which operates out of the application building will see a reduction of 5no. HGVs movements per week as a result of feedstock which would be transported to GB and Europe for thermal recovery now being treated on-site. The net increase in car movements therefore relates to 10no. additional staff which will be employed on the site. Due to the operating plan this will only equate to a maximum of approximately 3no. staff on the site at any one time (due to the plant operating a 3 shift a day pattern and some jobs created being remote working only). The site currently operates 2no. staff shifts between 07.00-23.00 Monday to Saturday. These hours are outside of peak travel times. Deliveries and dispatches to the site are made throughout the working day across these hours and so there are no peak times proposed/ identified. The additional staff to these facilities will come in over three shifts between these hours which, given the small numbers involved, will not create a peak time for accessing the site.

Policy WM1 of PPS 11 also requires that vehicular activity does not constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust, as indicated the proposal will reduce the number of HGV movements by approximately 5no. per week, therefore it is accepted that there will be no increase in nuisance in relation to this activity. Policy AMP7 of PPS 3 and Policy WM1 requires proposals to make adequate provision for car parking and servicing arrangements. For the reasons already given the 27no. car park and existing circulation arrangements are not proposed to be altered as no intensification arises. It is accepted that the proposal will not generate additional HGV movements or vehicular activity. Consultation was carried out with DfI Roads who raised no objections to the proposal.

Other Matters

Archaeology and Built Heritage

The SPPS and PPS6 sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage. Policy BH 1 of PPS6 relates to the preservation of archaeological remains of regional importance and their settings. There are no identified remains of regional importance in close proximity to the application site. Policy BH2 states that proposals that would adversely affect archaeological sites or monuments that are of local importance or their settings will only be permitted where the importance of the proposed development or other material considerations outweigh the value of the remains in question. This proposal involves the change of use of an existing building on a site where no records of features of man-made heritage exist. As such no further mitigation is required and the proposal is in compliance with this aspect of the SPPS and PPS 6.

Land Contamination

The application site has the potential for waste material and contamination to be present which could impact on environmentally sensitive receptors including groundwater and surface water. As indicated above the applicant has provided a number of documents within the ES in order to satisfactorily understand and mitigate any contamination that may be on site. Consultation was carried out with DAERA's Regulation Unit Land and Ground Water Team (RULGW) which incorporates the Waste Licencing Team. RULGW indicated that the priority in assessing this application is to consider the potential for waste material and contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. Their response indicates that the site currently has planning permission for the storage of stipulated waste codes which should continue to be controlled in the same way under the current proposal. Treatment of these wastes can be controlled under the permit conditions and will require these wastes to be heated to a high enough temperature to completely destroy all infectious material. RULGW Team note that the proposal will involve some piling activity. RULGW have considered the information provided within the ES and further note that the site is regulated by DAERA under Waste Management Licencing and Pollution Prevention and Control regimes. Additionally the Councils EHS note the change of use application involves piling activity. Having considered the information submitted in the ES, EHS would note that the site is regulated by DAERA under both the Waste Management Licensing and the Pollution Prevention and Control (PPC) regimes.

Safety

It is noted that individual packages and containers are selected and introduced into the respective feed system by a suitably qualified person and the automated control system regulates the feed into the kiln. The selection of feedstock is the responsibility of the trained operator to feed the kiln with a homogenous mixture, i.e. not to introduce bulk 'extreme' packages which may have a detrimental effect on the performance or emissions of the plant. There is no 'blending' of various hazardous waste streams as preparation for feeding into the kiln. The waste streams are mixed within the kiln itself.

As indicated above solid waste is introduced to the kiln via a bin lift system. The bins are elevated and automatically tipped into the feed hopper. The feed hopper has 2 slide valves and there is a guillotine door on the kiln loading aperture so that there is absolutely no risk of the fire in the kiln being exposed. The design and construction of the feed system and hopper is explosion proof. The bin lift system tips the bins into the hopper and the waste drops onto the bottom slide valve. The top slide valve closes which encapsulates the waste between the 2 slide valves. The bottom slide valve opens and the waste drops further into the charging chamber (top slide valve remains closed). The bottom slide valve closes before the kilns guillotine door opens and the ram feeder is activated to push the waste into the kiln. This sequence is fully automated and interlocks prevent any over-riding of the system. The ram retracts and the guillotine door closes encasing the fresh waste in the kiln.

In the event that any residual burning waste is inadvertently pulled back into the charging chamber, the feed hopper has the protection of the 2 slide valves referred to above to prevent the escape of fire or gases (smoke). A nitrogen gas inertization dousing system is automatically triggered within the charging chamber if a heat source is detected and any fire is extinguished. There are no potential ignition points

within the feed system. The high calorific value liquid feed tanks are remote from the plant thus reducing any risk. The kiln is continually under negative pressure from the induced draught fan (automatically controlled using pressure sensors), so the 'fire' is always being pulled away from the feed inputs and it's not possible under normal operating conditions for the fire to be exposed to the various feedstocks.

In an emergency situation (only when there is a complete power failure to the site) an emergency stack will activate to draw the hot gases (a potential ignition source) away from the plant and away from any feed systems to protect the plant, the building and the surrounding environment. All aspects of fire safety have been carefully and diligently considered in the design and there are no reports of any fires in the multiple plants of similar design installed worldwide. Notwithstanding the above detail, a mains connected fire hydrant is located less than 30 metres from the application site which is within the applicant's ownership. Additionally staff are regularly trained by NI Fire and Rescue Service on managing the risk of fires given the nature of materials currently accepted on site. Consultation was carried out with HSENI who raised no objections to the proposal and indicated that HSENI has made the assumption that the requirements of the Health and Safety at Work (NI) Order 1978, and all relevant statutory provisions, will be met.

Restoration

The justification and amplification of Policy WM1 of PPS 11 indicates that when waste operations come to an end the site must be left in a fit state for beneficial subsequent use. Supporting documentation indicates that at the end of the economic life of the proposed facility, the associated infrastructure may be redeveloped for extended use or repurposed. It is highlighted that the proposed facility's design, operations, and associated maintenance procedures enable decommissioning in a satisfactory manner without risk of pollution, contamination, or excessive disturbance from any dust and odour releases. A site closure / decommissioning plan would be submitted to DAERA should the environmental permit be surrendered and the site no longer required to operate. In addition, decommissioning will be subject to DAERA licensing conditions and assessments upon surrender of the licence.

Economic Impact

The SPPS advises that in supporting sustainable economic growth, "large scale investment proposals with job creation potential should be given particular priority". The applicant indicates that the proposal is a large-scale (c. £6million) investment proposal which focuses on reducing the carbon footprint of the ultimate recovery of the identified feedstocks already accepted onsite under the existing WTTf operation. This key piece of proposed infrastructure will support the longevity of the existing business in NI by reducing and securing the operating costs of the same. It will secure 80 no. jobs within the McQuillan Company. In turn it will reduce the costs and carbon footprint of associated businesses which rely on the facility as an outlet for their wastes – these include Almac Group with its 3,500 strong workforce, as well as many other key businesses previously identified. It is also indicated that confidence will be given to both the applicant's customer base and DAERA that the waste can be managed in a sustainable and environmentally sound manner which allows its much-needed operations to continue as planned without disruption. The applicant is the only company offering this broad service which includes support from its dry waste operations as well. This will benefit NI PLC with the main customers including; Almac

Group, Dupont, NI Health and Social Care Trusts, Montupet, NI Water, NIE, EP Kilroot and Ballylumford.

Objections

A letter of objection raised a number of points on the detail contained within the ES relating to the inclusion of additional waste codes, the proposed increase in waste tonnage on site, and the impact on the baseline data within the ES relating to noise, traffic soils and water, landscape, and visual, ecological and archaeology impacts. As a result, Further Environmental Information (FEI) was submitted by the applicant and was subject to the statutory notification regulations.

The FEI confirms that there are no additional waste codes being brought onto the site other than those which are currently approved for the existing operations. DAERA are the competent authority to assess the various waste codes which are permitted on the wider site and has raised no objections to the proposal. DAERA Regulation Unit (RU) list a number of waste codes within their response that the site has permission to accept with the exception of one waste code. Notwithstanding RU's response, it is considered that if planning permission is forthcoming a condition restricting the waste codes to what is currently permitted will be included on any planning permission therefore ensuring that there is no additional waste streams being brought onto the site.

Concerns were also raised in relation to the acceptable waste tonnage on the wider site and the subsequent baseline data not being accurate as it is based on the proposed tonnage for the proposed facility (4650tpa). It is acknowledged that the wider site can accept 25,000 tonnes per annum of non-hazardous waste and 25,000 tonnes per annum of hazardous waste therefore a total tonnage of 50,000 can currently be accepted on site. The environmental information contained within the ES is based on the proposed thermal facility and not the wider site. It is indicated throughout the ES that the facility will process 4650tpa and it is therefore considered that if planning permission is forthcoming that a condition should be imposed restricting no more than 4650 tonnes of waste to be treated at the facility per annum in order to ensure compliance with the environmental effects detailed within the ES.

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

CONCLUSION

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

- The principle of development is considered acceptable;
- The design and layout of the proposal is considered acceptable;
- The impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity by way of noise, light, airborne pollution and general disturbance, is not considered to be significant;
- There are no significant natural heritage concerns with regard to the proposal;
- There is no determining concern in relation to traffic generation or road safety;
- There are no drainage concerns associated with this development.

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

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

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

45dB $L_{Ar,1hr}$ between 07:00 and 23:00 hours, and

40dB $L_{Ar,15mins}$ between 23:00 and 07:00 hours,

Including any character correction, and assessed in line with BS4142:2014

+A1:2019, at any nearby noise sensitive receptors.

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

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

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

5. Should the cumulative level of noise arising from the approved development, measured within Condition 4 exceed the levels stated within Condition 3, then mitigation measures to reduce noise levels will be agreed in writing and carried out within a timeframe specified by the Council. Within one month of the completion of further works, a noise survey shall be completed and submitted to

the Council to demonstrate the noise levels stated within Condition 3 are not exceeded.

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

6. The approved development shall operate in line with the Mitigation/ Recommendations detailed within Chapter 6 of Volume II: Environmental Statement, stamped 'Planning Section Received 14 Feb 2023'.

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

7. No HGV movements are permitted within the site between the hours of 1900 to 0700.

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

8. All external doors, including roller shutter doors, shall be kept in the closed position except for access and egress.

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

9. No development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Council. The methodology is available at:
<http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

10. 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 Department in writing, and subsequently implemented and verified to its satisfaction.

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

11. After completing any remediation works required under Condition 9 and prior to operation 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.

12. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

13. NED are content that any potentially significant impacts on the designated site(s) will be avoided if the methods and mitigation measures provided in the Preliminary Ecological Appraisal (date stamped, May 2022), Shadow Habitat Regulations Assessment (date stamped, 14/02/2023) and Environmental Statement (date stamped, 14/02/2023) are adhered to, unless there are any significant changes.

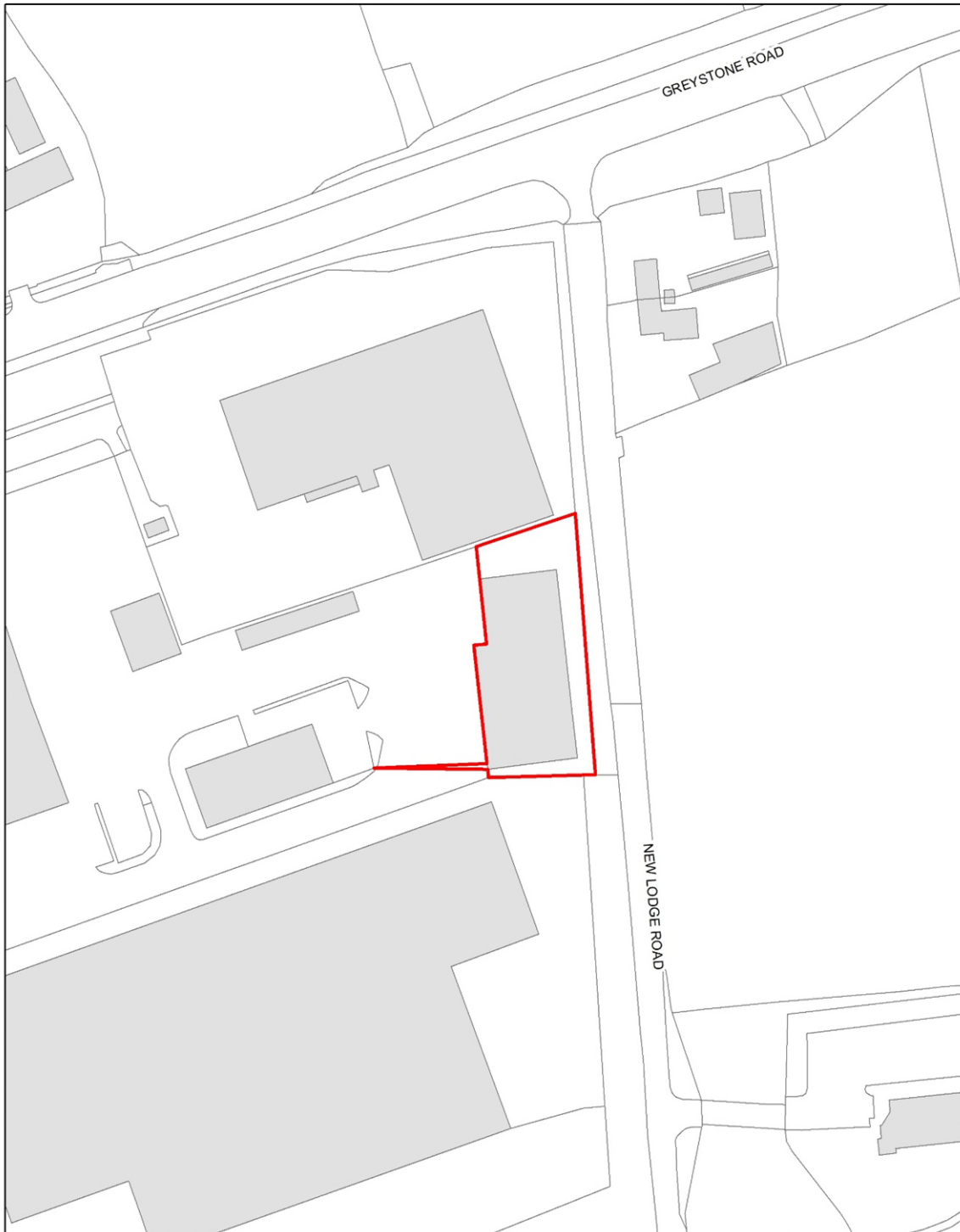
Reason: To prevent adverse impacts on the features of the designated sites.

14. No more than 4,650 tonnes per annum of waste shall be treated at the facility.

Reason: In order to ensure compliance with the environmental effects detailed within the ES.

15. In the event of the facility ceasing to operate for a period of 6 months a scheme for the restoration of the site to include the removal of stacks hereby approved shall be submitted and agreed in writing with the Council within 3 months. The work as approved shall be completed within 3 months of receiving approval.

Reason: To ensure the proper restoration of the site in the interests of visual amenity.



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Site Location Plan

1:1,250 

Reference: LA03/2023/0131/F

 Site Location



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2022/0597/F
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of 98 residential units in a mix of detached, semi-detached and apartments with associated car parking, amenity space, solar PV panels, retention and enhancement of existing open spaces & creation of new open space, hard and soft landscaping and associated site works.
SITE/LOCATION	Lands bound to the north by Mayfield High Street and Aylesbury Place, to the east by 4-22 Mayfield Park (evens) and 34 and 37 Mayfield Road; to the west by 16 Aylesbury Lane, 1-19 (odds) and 20 Aylesbury Rise, 5 & 24 Aylesbury Grove; 2 Aylesbury Place 12-26 (evens) Aylesbury Avenue and 5-9 (odds) Aylesbury Park; and to the south by 104 and 106 Hydepark Road, Mallusk.
APPLICANT	South Bank Square Ltd
AGENT	Turley
LAST SITE VISIT	06/2/2024
CASE OFFICER	Alicia Leathem Tel: 028 9034 0416 Email: alicia.leathem@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.	
SITE DESCRIPTION	
<p>The application site is located on unzoned white land between the development limit of Metropolitan Newtownabbey and the inner edge of the greenbelt as defined within the Belfast Urban Area Plan (BUAP). Within the draft Belfast Metropolitan Area Plan (dBMAP), the site is located within the settlement limit of Metropolitan Newtownabbey and is zoned as committed housing land.</p> <p>The application site is approximately 4.1ha in size and is bounded on three sides by the existing Mayfield development and comprises two sections of land which are bisected by the Mayfield Link Road. The northern boundary is defined by Mayfield High Street and Aylesbury Place, the eastern boundary by 4-22 Mayfield Park (evens) and 34 and 37 Mayfield Road, and the southern boundary by 104 and 106 Hydepark Road. The topography of the site rises steeply from the north to the south and comprises overgrown grassland.</p> <p>The lands to the east and west of the site are largely developed for housing, however some construction work is still ongoing. The land to the north is developed as Mayfield Village Centre which comprises a range of local amenity facilities such as a</p>	

convenience store, a pharmacy, a beauty salon and a children's day care facility. To the southeastern corner of the site is a covered reservoir which has restricted access from Hydepark Road. The wider lands south of Hydepark Road are undeveloped and open into the rural countryside.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2021/1156/PAN

Location: Lands encompassing Mayfield park between Mayfield Dale and Alderley Crescent and spanning Mayfield Link, bound to the north by Mayfield High Street and Aylesbury Place, to the east by 4-22 Mayfield Park (evens) and 34 and 37 Mayfield Road,

Proposal: Proposed erection of circa. 135 dwellings in a mix of detached, semi-detached, townhouse and apartment units with associated car parking, amenity space, open space, equipped children's play park, hard and soft landscaping, access arrangements and road infrastructure and associated site works

Decision: PAN Acceptable. (09.12.2021).

Planning Reference: U/1996/0308

Location: Land to the north of Hightown and Hydepark Roads, between Hollybrook Development and Hydepark Close

Proposal: Site for housing development

Decision: Permission Granted (10.04.2000).

Planning Reference: U/1996/0308/R

Location: Land to the north of Hightown and Hydepark Roads, between Hollybrook Development and Hydepark Close.

Proposal: Housing development comprising 123 No.dwellings with garages. Lands to the north of Hightown Road, between the Hollybrook Development and Crestacare (NI) Ltd., Newtownabbey.

Decision: Permission granted (11/12/1999)

Planning Reference: U/2005/0507/RM

Location: Mayfield Farm, 90 Hydepark Road, Grange Of Mallusk, Newtownabbey.

Proposal: Proposed residential development Phase 3 of 4B lands previously approved as part of PAC decision Ref:2000/A227 and OPA Ref: U/1996/0308 to include 48 housing units, associated car parking and landscaping.

Decision: Permission Granted (19.07.2007).

Planning Reference: U/2009/0087/F

Location: Mayfield Village, Phase 5, Hightown Road, Newtownabbey

Proposal: Residential development of 22 units of mixed type (10 houses and 12 apartments)

Decision: Permission Granted (21.09.2009).

Planning Reference: U/2007/0142/F

Location: Mayfield Village, Phase 5, Hightown Road, Newtownabbey

Proposal: Erection of Residential development of 112 units including 92 houses and 20 Apartments.

Decision: Permission Granted (28.09.2009)

Planning Reference: U/2009/0570/F

Location: Phase 5 at Mayfield Link, Newtownabbey, Bounded by Hyde Park Road to the south, Mayfield Park and Mayfield High Street to the east and by the Blackrock development to the west, BT36 7WU.

Proposal: Erection of dwellings (Amendment of approval U/2007/0142/F)

Decision: Permission Granted (11.05.2010)

Planning Reference: U/2013/0311/F

Location: Lands to the east of Alyesbury Rise and south of Alyesbury Place, Newtownabbey BT36

Proposal: Erection of 22 no. dwellings (part of Mayfield Village development)

Decision: Permission Granted (18.02.2015)

Planning Reference: LA03/2019/1048/F

Location: Lands to the east of Alyesbury Rise and south of Alyesbury Place Newtownabbey BT36

Proposal: Erection of 22 no. dwellings (part of Mayfield Village development) - Variation of Condition 2 of U/2013/0311/F (vehicular access and visibility splays)

Decision: Permission Granted (13.02.2023)

Planning Reference: LA03/2021/0829/NMC

Location: Lands to the east of Alyesbury Rise and south of Alyesbury Place Newtownabbey.

Proposal: Non-material change to U/2013/0311/F

Decision: Consent Granted (10.01.2022)

Planning Reference: LA03/2022/0158/F

Location: Lands 17m south of 20-26 Aylesbury Avenue Newtownabbey, BT36 7XY.

Proposal: 2 No. detached dwellings (Reduced from 3 no. dwellings approved under U/2013/0311/F). Driveway access position and finished floor levels as approved.

Decision: Permission Granted (06.05.2022)

Planning Reference: LA03/2021/1196/F

Location: Lands immediately to the southwest of the junction of Mayfield High Street and Mayfield Road and 15m north of 22 Mayfield Road Mallusk.

Proposal: Erection of three dwellings with detached garages and associated site works

Decision: Permission Granted (28.06.2022)

Planning Reference: LA03/2021/1197/F

Location: Lands to the east of 60 Mayfield High Street and west of 2 Mayfield Mansion Square Mallusk.

Proposal: Erection of a detached two storey dwelling with detached garage

Decision: Permission Granted (29.06.2022)

PLANNING POLICY AND GUIDANCE

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

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

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

Belfast Urban Area Plan (BUAP): The application site is located outside of the development limit of Metropolitan Newtownabbey and is located within the inner edge of the greenbelt. The lands are unzoned whiteland. 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 and is on lands zoned as a committed housing site (MNY03/20).

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

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

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section - No objections subject to conditions.

Northern Ireland Water – Advice provided

Department for Infrastructure Roads- No objections, subject to conditions

Department for Infrastructure Rivers - No objections

Department for Communities Historic Environment Division:
HED (Historic Buildings) - No objection.

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

DAERA Regulation Unit Land and Groundwater Team - No objection subject to conditions.

DAERA: Drinking Water Inspectorate - Advice provided.

DAERA Water Management Unit - No objections subject to NIW connection.

DAERA Natural Environment Division - No objections.

Shared Environmental Services- No objection subject to conditions

Belfast City Airport - No objection.

REPRESENTATION

One hundred and seventy one (171) neighbouring properties were notified and one hundred and twenty-eight (128) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- Loss of open space;
- Lack of a playpark;
- Adequacy and appropriateness of open space;
- Concerns regarding comprehensive planning and piecemeal development;
- Concerns with the management of open spaces;
- Inadequate community consultation;
- The area is overpopulated with dwellings (high density);
- Land contamination issues;
- Loss of biodiversity/loss of trees;
- Increase in traffic volumes in the area;
- Lack of suitable NI Water infrastructure

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Issues
- Legislative Framework
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on the Character and Appearance of the Area
- Public and Private Amenity Space
- Neighbour Amenity
- Access, Road Safety and Parking,
- Flood Risk
- Archaeology
- Natural Heritage
- Other Matters

Preliminary Issues

During the processing of the application, an amended scheme was submitted which removed the area known as Mayfield Park from the application and reduced the number of residential units from 126 to 98. A large number of the representations had raised concerns with the initial scheme and specifically the loss of the area of existing open space which comprised Mayfield Park. For the avoidance of doubt, this assessment relates only to the amended scheme, which does not include the loss of open space within Mayfield Park. The current proposal was subject to statutory neighbour notification and advertisement requirements and all other concerns raised by third parties are addressed throughout the report.

An associated concurrent application Ref: LA03/2024/0020/F seeks permission for the proposed erection of children's play park and associated site works which are considered a necessary component of the amenity and open space provisions for this housing application. The proposed play park is to be provided within Mayfield

Park and will require a Section 76 legal agreement to ensure its delivery, should planning permission for the current proposal be forthcoming.

Legislative Framework

Habitats Regulation Assessment

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. The Council in its role as the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the report, and conclusions therein, prepared by Shared Environmental Service, dated 13th November 2023. The report found that the project would not have any adverse effect on the integrity of any European site.

Environmental Impact Assessment

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

Pre-Application Notice

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

A Proposal of Application Notice application (Ref: LA03/2021/1156/PAN) was submitted to the Council and was deemed to be acceptable on 9th December 2021. The Pre-Application Community Consultation Report (PACC) (Document 02) submitted has demonstrated that the applicant has carried out the consultation requirements set out in Section 27 of the Planning Act (NI) 2011.

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was

subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, (the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

The application site is located on unzoned white land between the development limit of Metropolitan Newtownabbey and the inner edge of the greenbelt as defined within the Belfast Urban Area Plan (BUAP). DBMAP identifies the site as part of a larger parcel of lands (69.28Ha) zoned for housing with the site being a committed housing site (MNY 03/20). There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans, additionally no Key Site Requirements (KSR's) are stipulated. The application site forms part of a wider site known as Mayfield Village which was granted outline planning permission for an extensive site for housing (Ref: U/1996/0308/RM) subsequent to the outline permission, a number of Reserved Matters and full planning applications were approved on the different phases of development which comprises Mayfield Village.

The current proposal seeks full planning permission for a residential development consisting of 98 dwellings in a mix of detached, semi-detached and apartments with associated car parking, amenity space, solar PV panels, retention and enhancement of existing open spaces & creation of new open space, hard and soft landscaping and associated site works. The housing strategy of the BUAP promotes the use of suitable land for housing, particularly within the inner city whilst dBMAP aims to secure higher density development within urban area while protecting the quality of the urban environment. The Strategic Planning Policy Statement (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. Planning Policy Statement 7: Quality Residential Environments (PPS7) and PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas (APPS7) are retained policies under the SPPS and provide the appropriate policy context.

The application site is located within a predominately residential area, albeit with neighbouring, commercial, leisure and religious uses in the immediate vicinity. Letters of objection raised concerns in relation to the need for housing at this location, with the area currently being high density (over population). However, the site was included within the lands which formed the outline planning permission for Mayfield Village, in addition the site is part of a larger area of land zoned as committed housing zoning within dBMAP and given that the site is bounded on three sides by existing housing, it is considered that the principle of residential development is acceptable subject to the development complying with the all other policy and environmental considerations and as such no housing need is required to be demonstrated.

Design, Layout and Appearance

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 is for a residential development consisting of 98 residential units in a mix of detached, semi-detached and apartments with associated car parking, amenity space, solar PV panels, retention and enhancement of existing open spaces & creation of new open space, hard and soft landscaping and associated site works. The proposed residential development is arranged in two distinct areas, one to the east of Mayfield Link incorporating 63 dwellings and the other to the west of the Mayfield Link which comprises 31 dwellings and 4 apartments. Access to the individual pockets of development is to be achieved directly from the Mayfield Link and via existing internal road networks. The development provides a mix of ten (10) house types which seek to create visual variety and interest.

Policy QD1 requires that any development is appropriate to the topography of the site. The layout of the development and internal road network has been somewhat restricted due to the topography of the site. The proposed development has been arranged to respect the natural topography of the site which rises from the north to the south with a significant difference in levels. The proposal results in a stepped up approach from the lower section of the site (northern) and includes a number of retaining structures ranging from 0.6 metres to 1.5 metres in height. It is acknowledged that the residential units to the southern section of the site will be located on an elevated position, however, it is considered that the overall layout of the dwellings and the internal road network has been arranged to respect and respond to the natural topography.

Supplementary Planning Guidance 'Creating Places' specifically requires that dwellings present an attractive outlook onto existing and proposed roads. In this case the development provides a frontage set to the rear of an internal estate road and landscaped area on the eastern side of the Mayfield Link and to the rear of an internal estate road and an area of open space on the western side of the Mayfield Link. The arrangement and relationship with the existing and proposed road network aims to provide an attractive outlook for the dwellings and satisfies the guidance within Creating Places. A number of properties are located on corner sites bounded on two sides by internal estate roads, these properties have been designed with dual aspects in order to provide attractive frontages to both internal and external road networks.

The boundaries to the site along both sides of the Mayfield Link are defined by 1.2 metre estate railing and inset with a proposed hedgerow, which softens this critical boundary and is considered appropriate in the streetscape. Other boundary treatments within the site include 1.8 metre close boarded timber fencing to the rear of the properties and a number of retaining walls ranging from 0.9 metres to 1.5 metres located within pockets of the development. Privacy screen walls to shield

private amenity areas are located to the properties located on corner sites, with the inclusion of landscaping features to help soften the overall appearance of the hard boundary. A landscaping plan (Drawing No 21/1) provides details of the proposed planting throughout the site with open space and landscaped areas located within a central open space area and also around the periphery of the application site.

The dwellings in the local area are a mix of detached and semi-detached, built in a selection of render and brickwork. The design of the proposed dwellings draws upon the form, materials, proportions and detailing of the existing dwellings in the immediate vicinity. The proposed dwellings use render and red brick detailing, with a combination of dark grey roof tiles and feature bay windows all of which are common within the locality.

Overall, it is considered that the proposal is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.

Impact on the Character and Appearance of the Area

Policy QD1 of PPS 7 requires that the development respects the surrounding context, whilst the Addendum to PPS 7 Safeguarding the Character of Established Residential Unit (APPS7) requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

As outlined above the application site is subdivided by the Mayfield Link with the application site effectively being split into two parcels of land to the east and west of the public road. The land use in this area of Mayfield is predominately residential with a mix of density ranges, house types and style. Mayfield Village is located to the north of the application site and comprises of a mixture of retail and community uses. The outer edges of the Mallusk industrial area is located further north of the application site.

The topography of the surrounding lands rise gradually from the Mallusk Road in a northern direction towards the application site and continues to rise to the south and the outer fringes of the Belfast Hills. As such a typical feature of the existing residential developments within the area is that of properties with significant level differences responding to the natural topography of the land. The arrangement and layout of the proposed development is in keeping with the surrounding area.

Piecemeal Development

Policy QD2 of PPS7 states that the submission of a Design Concept Statement (DCS) will be required to accompany all planning applications for residential development. It continues that in the case of proposals for the partial development of a site zoned for housing, which is applicable in this case, the DCS will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken. It goes on to state that any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land identified for residential use in a development plan.

Much of the committed housing zoning (69.28ha) has already been developed for housing, however, there does remain a number of undeveloped areas which includes the application site. The application site was included within the approved Master Plan for the wider site (Ref: U/1996/0308) and was indicated as being an area for medium to high density housing with the exception of a small portion of lands to the northeast which was indicated to be part of a village centre.

The area identified as part of a village centre in the previous outline planning permission for the wider site (Ref: U/1996/0308) has now been identified within a revised concept plan (CP) (Drawing No. 141) as an area for 'future development', with an indicative footprint for buildings and car parking. No indication is provided as to the use of the proposed building or the design and appearance; however the CP provides an understanding of the wider context of the area, and the relationship with the existing and proposed built form. It is considered that these lands could be developed whilst respecting the character of the site and wider area. It is indicated within the Design and Access Statement (Document 01/1) that the general layout and arrangement of the various elements of the development have been designed in general accordance with the previously approved Concept Masterplan for the wider zoning and are sympathetically designed to respond to the existing development.

Density

Policy LC 1 of the addendum to PPS 7 requires that the proposed density of new residential development is not significantly higher than that found in the established residential area. This section of Mayfield is largely defined by a mix of detached, semi-detached, townhouses and apartments. The application site is located on the outer edge of the Mayfield with agricultural land located to the south with a number of dispersed detached properties.

The application site extends to 4.1ha giving an overall density of 24 dwellings per hectare (dph), which is considered to be of medium density and in keeping with the local character of the area. The average density within the surrounding area is 28dph therefore, the overall density is not significantly higher than the densities within the adjoining residential areas as required by Policy LC1.

Crime and Personal Safety

Criterion (i) of Policy QD 1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. The applicant has indicated that the proposed development has been designed to Secured by Design standards with the site and individual properties adequately enclosed and defended by appropriate boundary treatments. Consideration has been given to the site layout to ensure that there are no isolated areas of communal open space. The dwellings have been arranged to overlook the areas of open space within the site to allow passive surveillance for the safety and security of those using the areas and prevent anti-social behaviour. The communal areas will be appropriately and adequately lit by streetlights at night. Overall, it is considered that the proposed development has been designed to deter crime and personal safety with windows on gable elevations allowing for passive surveillance of the public open space.

Public and Private Amenity Space

Policy OS2 of PPS 8 requires residential developments in excess of 25 units, or sites of one hectare or more to provide areas of public open space as an integral part of the development. Both Policy OS 2 of PPS 8 and Creating Places indicates that a normal expectation for new green-field development may be around 10% of the site area or greater. In this case public open space is provided in the form of a central green area and a number of pockets of space located along the periphery of the site. The total area of formal open space extends to approximately 4117sqm and equates to 10% of the total site area.

Letters of objection raised concerns in relation to the usability of the proposed open space areas. One of the areas of open space in question is located to the west of the application site, running parallel to the Mayfield Link. Although this section of proposed open space is located in close proximity to the main road, this area of land is enclosed by parkland railing inset with hedging. Creating Places indicates that public open space provision can be provided in a variety of forms, it is not uncommon for amenity spaces to be adjacent to roads as this increases the passive surveillance of the open spaces proposed in the area. It is considered that given the enclosed nature of the open space area and its location adjacent to a number of proposed residential units that this area of public open space is acceptable. It is acknowledged that a small section of open space provision to the south of the application site is limited in its usability, however, this area is a small area of space (302sqm) and not critical to the overall provision. Additional concerns raised relate to areas outside the application site being indicated as landscaped enhancement areas which were previously included in the open space provision for previously approved sites, these areas are outside the application site and therefore do not form any part of the open space provision for the current application.

Third parties have raised concerns with the applicant submitting an application for 98 residential units thereby submitting 'piecemeal development' in order to avoid the requirement for a play park. Policy OS2 of PPS 8 requires that for residential developments of 100 units or more, an equipped children's play area must be provided. Although this application is below the 100 residential units' threshold, it is acknowledged that the DCS shows adjoining areas of land to be developed and therefore based on cumulative numbers a play park is required. As indicated earlier in the report, a concurrent application (Ref: LA03/2024/0020/F) has been submitted by the applicant to the Council, which seeks to provide a play park within the Mayfield Park area and is currently pending a decision. Letters of representation raised concerns relating to the deliverability of the proposal, however, it is considered that if planning permission is forthcoming for the current application, a Section 76 Agreement shall need to be completed requiring the provision of the play park on or before the completion of the 50th dwelling on the site.

In addition to the provision of areas of public open space, the guidance document Creating Places requires adequate provision for private open space in the form of gardens, patios, balconies or terraces. It adds that for apartment developments, private open space may be provided in the form of communal gardens, where appropriate management arrangements are agreed. Creating Places also states

that the appropriate level of provision should be determined by having regard to the particular context of the development and indicates an average of 70sqm for any individual dwelling with a minimum requirement of 40sqm.

Private amenity space will be provided for proposed dwellings in the form of private gardens. Private amenity space for the dwellings ranges from a minimum of 49sqm (site 88) to a maximum of 265sqm (site 26). The average private garden size across the dwellings is indicated as being approximately 81sqm. It is considered that adequate provision has made for private rear garden space within the individual dwellings. The proposal includes four (4) apartments, the justification and amplification of Policy QD1 indicates that for apartment developments, private open space may be provided in the form of communal gardens, where appropriate management arrangements are agreed. Paragraph 5.20 of supplementary planning guidance document 'Creating Places' advises that in the case of apartment developments private communal open space should range from a minimum of 10 square metres to 30 square metres per unit. The communal garden areas surrounding the apartments extends around the apartment development and is largely considered to be defensible space. The location of these apartments is also adjacent to an area of amenity space indicated as area E on drawing No. 06/2.

Objections have been received with regard to the management of existing spaces within Mayfield. Management of the existing open spaces outside the application site is outwith the control of this application. In relation to the management of the proposed landscaping and open spaces a Landscape Management Plan (LMP) has been submitted (Document 10/1) outlining the short term and long term management responsibility for the site. It is considered that if planning permission is forthcoming a condition should be imposed requiring the landscape management to be carried out in accordance with the LMP for the lifetime of the permission.

Overall it is considered that the open space areas have been designed in a comprehensive and linked way to the overall development of the site and provide easy and safe access for the residents.

Neighbour Amenity

Criterion (h) of Policy QD 1 requires that there is to be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Creating Places indicates a 20 metre separation for back-to-back relationships between dwellings and indicates that on sloping sites this should be increased.

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of adjacent properties both within Mayfield Park and Aylesbury Row. The layout of the proposed dwellings results in a back-to-back relationship with the existing dwellings in Mayfield Park with a separation distance ranging from 18.5 metres to 27 metres. The dwellings in Aylesbury Row have a mix of gable-to-gable and gable-to-back relationships with suitable separation distances between the dwellings to limit any adverse impacts.

The overall layout has been designed and arranged to ensure all properties generally will have in excess of the minimum rear garden depths of 10 metres while the apartments have in excess of the 20m separation distance required from first floor opposing windows to the adjacent properties. It is considered that the separation distances proposed should ensure that the proposed development will not have an adverse impact upon the adjacent properties by way of dominance, overshadowing, loss of light or overlooking of either existing or proposed properties.

Parking, Road Safety and Movement

Policy AMP 2 of Planning Policy Statement 3 'Access, Movement and Parking' (PPS 3) requires that any development should not prejudice the safety and convenience of road users. One of the issues raised by objectors relates to the increase in traffic volumes. Access to the lands to the east of Mayfield Link are achieved via two access points, one from Mayfield High Street and the other directly from Mayfield Link, the dwellings to the west of the application site are also accessed directly from Mayfield Link. A Transport Assessment Form (TAF) (Document 07) was submitted in support of the application which provides a breakdown of visitor trips, alternative modes of travel and the planning history of the application site. Consultation was carried out with DfI Roads who raised no objections to the proposed access arrangements.

Policy AMP7 of PPS 3 and Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Planning guidance contained within 'Creating Places' provides a breakdown of the number of car parking spaces required for each development type, in this case a total of 258 parking spaces are required. Each dwelling has two in-curtilage parking spaces, whilst the apartments have six communal spaces, with a further 72 on-street visitor spaces resulting in a provision of 266 car parking spaces. It is considered that the proposed access and the internal road network are safe and appropriate provision has been made for parking within the development.

Criterion (e) of Policy QD1 of PPS 7 requires a movement pattern is provided that, 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 and incorporate traffic calming measures. It is indicated that bus services are available at Mayfield Link and Aylesbury Place. Translink service 1f runs between Belfast and Mallusk via the Antrim Road, with a 20 minute frequency throughout the day.

The applicant indicates that one of the key objectives behind the design of the proposed scheme has been the need to ensure everyone can move around with comfort and convenience, regardless of their age or disabilities. The applicant indicates that the proposed scheme has been designed to ensure, level access to dwellings is provided in accordance with the statutory regulations, the design of the road and footpaths takes account of the needs of the disabled in terms of design speed and crossing points and gentle gradients with no steep or sudden changes in level. Tactile paving and dropped kerbs are proposed which will be integrated within all crossing points throughout the site, to accommodate and assist mobility impaired

and/or disabled persons. In addition, the applicant indicates that varied road surface levels and curves within the street layout will aid those less able, as well as acting as a traffic calming measure for all vehicles within the site.

Flood Risk

The main policy objectives of PPS 15 seeks to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere. DfI River's Flood Map (NI) indicates that the development does not lie within either the fluvial (River) or coastal flood plains. DfI Rivers were consulted on the application and raised no objections to the development on flooding grounds. The applicant has provided an updated Drainage Assessment (Document 09/2).

Policy FLD 2 states that development will not be permitted where it would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. DfI Rivers advise that a culvert originating from Aylesbury Grove located to the west of the proposed development linking to the drainage network on Mayfield Link is showing on DfI flood maps. However, following extensive investigation by the applicant and DfI Rivers no such culvert was located. The site may be affected by undesignated watercourses of which there is no record. Therefore, unless any watercourse is discovered during construction then Policy FLD 2 is not applicable.

DfI Rivers sought clarification and additional information including an amended Drainage Plans (Drawings 142/1 & 143/1 dated 7th March 2024) and Drainage Assessment (Document 09/2 dated 7th March 2024) which was subsequently received and further consultation was carried out with DfI Rivers who raised no objections subject to a condition requiring a final Drainage Assessment to be submitted. The purpose of this post decision Drainage Assessment is to ensure that the developer has an agreed method of dealing with surface water disposal through NIW, however, this is dealt with through the use of a condition restricting development until such times as the developer has secured a connection to the sewer to deal with both surface water and foul sewerage. In the circumstances a secondary connection for a further Drainage Assessment would be a duplication and is not considered to be necessary.

Archaeology

Policy BH 4 of PPS 6 is entitled 'Archaeological Mitigation'. It states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Council will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

The applicant has submitted an Archaeological Baseline Survey and Written Scheme of Investigation (Document 6) for consideration, this document indicates that the archaeological potential of the site is varied due to former uses and works carried out within the site and adjoining areas.

Historic Environment Division (Historic Monuments) has reviewed this application and is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. It is considered that there are no archaeological concerns with this proposal subject to the stated conditions at the end of the report.

Natural Heritage

Designated Sites

The application site may be hydrologically linked Lough Neagh and Lough Beg SPA/Ramsar through indirect watercourses and tributaries, these designated sites are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). As outlined above consultation was carried out with Shared Environmental Services (SES) who on behalf of the Council considered the application in light of the Regulations. SES has concluded that the development proposal is eliminated from further assessment subject to mitigation conditions which will negate any potential pollution issues at operational phase on the selection features, conservation objectives or status of any European Site. NIEA, Natural Environment Division (NED) has also considered the impacts of the proposal on designated sites and on the basis of the information provided, has no concerns subject to appropriate mitigation and pollution prevention measures being implemented during construction. NED concludes that the development is unlikely to significantly impact designated sites due to the distance from any sites and the scale and nature of the development.

Other Natural heritage Interests

Letters of objection raised concerns in relation to the loss of trees and the impact on biodiversity. A Preliminary Ecological Appraisal (PEA) was carried out on the application site and submitted to the Council (Document 08/1), which concluded that there was no significant impact on designated sites, protected species or their habitats subject to mitigation measures being implemented.

Bats are a European Protected Species under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and are subject to a strict level of protection. In this instance NED notes that bats are likely to use the site for occasional foraging and commuting and recommend that any proposed street lighting is in accordance with BCT guidelines. The PEA notes that trees on the site are either too young to support potential roosting features or in the case of the mature beach tree (TN15) has no apparent cracks to suggest bat roost potential. NED indicates that they have no concerns with the impact of the development upon bats and as such it is unlikely that there will be any significant effects on local bat populations.

With regard to the impact on badgers the PEA indicates that there are a network of mammal trails present throughout the site, however no badger sets were found and the pattern and style of the mammal trails noted during the survey suggests that they were most likely formed by fox activity rather than badger. NED, however, welcomes

the ecologist recommendation that, all scrub on the site is removed with caution and in sections in case a hidden sett and/or other priority species nesting site is discovered. The PEA indicates that a breeding bird survey was carried out prior to the bird breeding season and that some song was noted from dunnock, robin and great tit. Other bird species noted on site were blackbird, bullfinch, greenfinch and house sparrow. It is indicated that there was nesting habitat, (gorse and bramble scrub), suitable for a number of common breeding birds on the site. NED therefore considers it likely that these species are breeding at the site and surrounding area and utilising the site for foraging. NED is in agreement with the ecologist that all vegetation clearance should be done outside the bird breeding season, which runs from 1st March to 31st August inclusive.

With regard to Open Mosaic Habitat (OMH), NED notes the clarification in the PEA regarding the habitat at the site that corresponds to Open Mosaic on previously disturbed land, which does not meet the criteria of priority habitat due to its small area. NED is therefore content no further amendments regarding compensatory habitat is required. NED also welcomes the landscape proposals indicated on Drawing No. 21/1, for a wildflower meadow and native boundary planting. Overall, it is considered that the development proposal will have no significant detrimental impact on natural heritage interests subject to conditions and the proposal complies with PPS 2.

Other Matters

Land Contamination

Letters of objection raised concerns regarding potential land contamination. The applicant has provided a number of documents in order to satisfactorily understand and mitigate any contamination that may be on site. These include a Preliminary Site Investigation Analysis (Document 03); A Preliminary Risk Assessment (Document 04) and a Generic Quantitative Risk Assessment (Document 05). It is indicated that these reports are informed by site investigations and environmental monitoring data contained within the GQRA. No unacceptable risks to environmental receptors have been identified for the development. NIEA Regulation Unit - Land and Groundwater Team and the Council's EHS has no objections to the development subject to recommended conditions. It is therefore considered that there is unlikely to be any significant impacts on nearby receptors as a result of potential contamination.

NI Water Infrastructure

Concerns were raised regarding the impact on NI Water (NIW) infrastructure. NIW was consulted on the proposal and has responded recommending a refusal, indicating that the receiving foul sewer network in the area has reached capacity. NIW go on to advise that they are currently progressing a Wastewater Impact Assessment (WWIA) application for the proposal and subject to a successful outcome regarding a solution to mitigate the highlighted downstream capacity constraints issues, NIW may reconsider its recommendation.

However, the issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other

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

Solar Panels

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. PPS 18 Policy RE 1 indicates that development that generates energy from renewable sources will be permitted where there will not be an unacceptable adverse impact on visual amenity and landscape character. Solar panels are included on the roof line of the proposed dwellings indicated on Drawing No 03/2. The use of solar panels can cause a distraction to aviation traffic, Policy RE 1 requires that there is no unacceptable adverse impact on public safety or human health. Consultation was carried out with Belfast international Airport (BIA) and in their consultation response they indicated that they had no objections from an aviation safeguarding perspective, however, they would require low reflective glass to be used on any of the solar panels. It is considered that if planning permission is forthcoming, a condition requiring the use of low reflective glass should be imposed on any planning permission. 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.

CONCLUSION

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

- The principle of a residential development on zoned housing lands is considered acceptable;
- The design, layout and appearance is appropriate for the site and provides an adequate provision of private open space;
- The proposed development will not result in an unacceptable impact on the character and appearance of the area;
- The proposal will not create any significant impacts on neighbouring properties in relation to overlooking, loss of privacy, overshadowing or loss of light;
- Adequate access and parking provision has been provided for the development type at this location; and
- There are no significant concerns in relation to natural heritage or designated sites.

RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSED CONDITIONS	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.</p> <p>Reason: To ensure adequate wastewater treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.</p> <p>3. During the construction phase, a clearly defined buffer of at least 10m shall be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and any watercourse or surface water drain. There shall be no direct discharge of untreated surface water run-off during construction into any drain/watercourse within or adjacent to the red line boundary.</p> <p>Reason: To ensure no adverse effects on the features of indirectly connected European Sites at Lough Neagh.</p> <p>4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 15/3 date stamped 26th January 2024, 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>5. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 15/3 date stamped 26th January 2024.</p> <p>Reason: To ensure there is a safe and convenient road system within the development.</p> <p>6. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been fully completed in</p>	

accordance with the details outlined blue on Drawing No. 15/3 date stamped 26th January 2024.

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

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

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

8. 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 Planning Section shall be notified 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.

9. Should an unacceptable risk to human health be identified, a remediation strategy shall be submitted to be agreed with the Council before being implemented.

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

10. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by The Council. The POW shall provide for:
- The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

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

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

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

12. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be

undertaken in accordance with the programme of archaeological work approved under condition 10. These measures shall be implemented and a final archaeological report shall be submitted to The Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with The Council.

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

13. The existing natural screenings of the site, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

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

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

15. The open space and amenity areas indicated on the stamped approved Drawing 06/2 date stamped 25th January 2024 shall be managed and maintained in accordance with the Landscape Management Plan, Document 10/1 date stamped 25th January 2024 any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

16. Prior to the commencement of any part of the development hereby approved a scheme for the phasing and completion of all aspects of the hard and soft landscaping and open space provision shall be submitted to and agreed in writing with the Council. The open space and amenity areas indicated on Drawing No. 06/2 date stamped 25th January 2024 shall be managed and maintained in accordance with the Landscape Management Plan, Document No.10/1 date stamped received 25th January 2024 any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

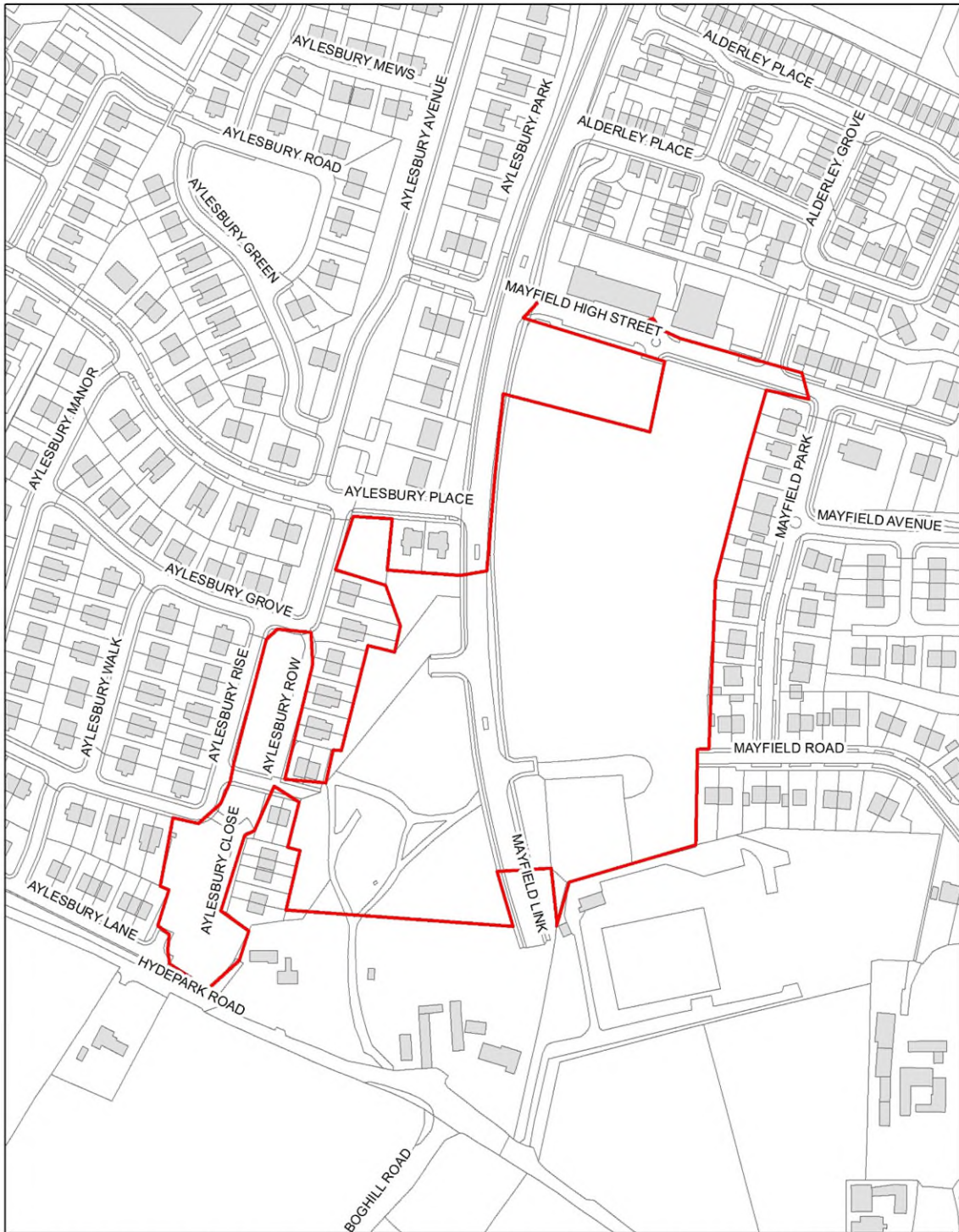
Reason: To ensure successful establishment and ongoing management and maintenance of the open space and amenity areas in the interests of visual and residential amenity.

17. The proposed landscaping works as indicated on Drawing No. 21/1 date stamped 2th January 2024 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice in accordance with the phasing plan required by condition 16. The proposed landscaping shall be retained thereafter at a minimum height of 2 metres for shrubs/hedges and existing trees as shown shall be retained at a minimum height of 6 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal.

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

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

Reason: in the interests of aviation safety.



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Site Location Plan

1:2,500 

Reference: LA03/2022/0597/F

 Site Location



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2024/0020/F
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of children's play park and associated site works.
SITE/LOCATION	Lands at Mayfield Park, Approx. 40m north west of 20 Mayfield Dale, Mallusk.
APPLICANT	South Bank Square Ltd
AGENT	Turley
LAST SITE VISIT	06/02/2024
CASE OFFICER	Alicia Leathem Tel: 028 9034 0416 Email: alicia.leathem@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.	
SITE DESCRIPTION	
<p>The application site is located on unzoned white land between the development limit of Metropolitan Newtownabbey and the inner edge of the greenbelt as defined within the Belfast Urban Area Plan (BUAP). Within the draft Belfast Metropolitan Area Plan (dBMAP), the site is located within the settlement limit of Metropolitan Newtownabbey and is zoned as committed housing land.</p> <p>The application site is a parcel of lands located within the existing Mayfield Park and currently comprises a grassed area of open space including the existing pedestrian path network. The site is currently defined by large mature conifer trees with the topography of the land sloping in a north to south direction.</p> <p>The lands to the east, west and south of the site are existing residential lands, with the lands to the north being defined by industrial uses. Mayfield Village Centre which provides a range of local amenity facilities such as a convenience store, a pharmacy, a beauty salon and a children's day care facility is located to the southeast of the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2022/0597/F</p> <p>Location: Lands bound to the north by Mayfield High Street and Aylesbury Place, to the east by 4-22 Mayfield Park (evens) and 34 and 37 Mayfield Road; to the west by 16 Aylesbury Lane, 1-19 (odds) and 20 Aylesbury Rise, 5 & 24 Aylesbury Grove; 2 Aylesbury Place 12-26 (evens) Aylesbury Avenue and 5-9 (odds) Aylesbury Park; and to the south by 104 and 106 Hyde Park Road, Mallusk.</p> <p>Proposal: Proposed erection of 98 dwelling in a mix of detached, semi-detached and apartments with associated car parking, amenity space, solar PV panels, retention and enhancement of existing open spaces & creation of new open space, hard and soft landscaping and associated site works.</p>	

Decision: Application Pending.

Planning Reference: LA03/2021/1156/PAN

Location: Lands encompassing Mayfield park between Mayfield Dale and Alderley Crescent and spanning Mayfield Link, bound to the north by Mayfield High Street and Aylesbury Place, to the east by 4-22 Mayfield Park (evens) and 34 and 37 Mayfield Road,

Proposal: Proposed erection of circa. 135 dwellings in a mix of detached, semi-detached, townhouse and apartment units with associated car parking, amenity space, open space, equipped children's play park, hard and soft landscaping, access arrangements and road infrastructure and associated site works

Decision: PAN Acceptable. (09.12.2021).

Planning Reference: U/1996/0308

Location: Land to the north of Hightown and Hydepark Roads, between Hollybrook Development and Hydepark Close

Proposal: Site for housing development

Decision: Permission Granted (10.04.2000).

Planning Reference: U/1996/0308/R

Location: Land to the north of Hightown and Hydepark Roads, between Hollybrook Development and Hydepark Close.

Proposal: Housing development comprising 123 No.dwellings with garages. Lands to the north of Hightown Road, between the Hollybrook Development and Crestacare (NI) Ltd., Newtownabbey.

Decision: Permission granted (11/12/1999)

Planning Reference: U/2005/0507/RM

Location: Mayfield Farm, 90 Hydepark Road, Grange Of Mallusk, Newtownabbey.

Proposal: Proposed residential development Phase 3 of 4B lands previously approved as part of PAC decision Ref:2000/A227 and OPA Ref: U/1996/0308 to include 48 housing units, associated car parking and landscaping.

Decision: Permission Granted (19.07.2007).

Planning Reference: U/2009/0087/F

Location: Mayfield Village, Phase 5, Hightown Road, Newtownabbey

Proposal: Residential development of 22 units of mixed type (10 houses and 12 apartments)

Decision: Permission Granted (21.09.2009).

Planning Reference: U/2007/0142/F

Location: Mayfield Village, Phase 5, Hightown Road, Newtownabbey

Proposal: Erection of Residential development of 112 units including 92 houses and 20 Apartments.

Decision: Permission Granted (28.09.2009)

Planning Reference: U/2009/0570/F

Location: Phase 5 at Mayfield Link, Newtownabbey, Bounded by Hydepark Road to the south, Mayfield Park and Mayfield High Street to the east and by the Blackrock development to the west, BT36 7WU.

Proposal: Erection of dwellings (Amendment of approval U/2007/0142/F)

Decision: Permission Granted (11.05.2010)

Planning Reference: U/2013/0311/F

Location: Lands to the east of Alyesbury Rise and south of Alyesbury Place, Newtownabbey BT36

Proposal: Erection of 22 no. dwellings (part of Mayfield Village development)

Decision: Permission Granted (18.02.2015)

Planning Reference: LA03/2019/1048/F

Location: Lands to the east of Alyesbury Rise and south of Alyesbury Place Newtownabbey BT36

Proposal: Erection of 22 no. dwellings (part of Mayfield Village development) - Variation of Condition 2 of U/2013/0311/F (vehicular access and visibility splays)

Decision: Permission Granted (13.02.2023)

Planning Reference: LA03/2021/0829/NMC

Location: Lands to the east of Alyesbury Rise and south of Alyesbury Place Newtownabbey.

Proposal: Non-material change to U/2013/0311/F

Decision: Consent Granted (10.01.2022)

Planning Reference: LA03/2022/0158/F

Location: Lands 17m south of 20-26 Aylesbury Avenue Newtownabbey, BT36 7XY.

Proposal: 2 No. detached dwellings (Reduced from 3 no. dwellings approved under U/2013/0311/F). Driveway access position and finished floor levels as approved.

Decision: Permission Granted (06.05.2022)

Planning Reference: LA03/2021/1196/F

Location: Lands immediately to the southwest of the junction of Mayfield High Street and Mayfield Road and 15m north of 22 Mayfield Road Mallusk.

Proposal: Erection of three dwellings with detached garages and associated site works

Decision: Permission Granted (28.06.2022)

Planning Reference: LA03/2021/1197/F

Location: Lands to the east of 60 Mayfield High Street and west of 2 Mayfield Mansion Square Mallusk.

Proposal: Erection of a detached two storey dwelling with detached garage

Decision: Permission Granted (29.06.2022)

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan

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

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

Belfast Urban Area Plan (BUAP): The application site is located outside of the development limit of Metropolitan Newtownabbey and is located within the inner edge of the green belt. The lands are unzoned whiteland. 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 and is on lands zoned as a committed housing site (MNY03/20).

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

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

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

CONSULTATION

Council Environmental Health Section - No objections subject to conditions.

REPRESENTATION

Fifty four (54) neighbouring properties were notified, and fourteen (14) letters of representation have been received (2 letters of objection, 1 letter of support and 11 non-committal responses). The full representations made regarding this proposal are available for Members to view online at the Planning Portal <https://planningregister.planningsystemni.gov.uk>

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

- The application should be subject to the inclusion of a Section 76 Agreement requiring the play park prior to the construction of the first dwelling on the associated application Ref: LA03/2022/0597/F;
- Concerns with the management of open spaces;
- Antisocial behaviour and vandalism will occur;
- The proposed facilities are not enough for the area;

- Improvement of the existing football pitch is required.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Issues
- Policy Context and Principle of Development
- Design, Layout and Appearance
- Impact on the Character and Appearance of the Area
- Neighbour Amenities

Preliminary Issues

An associated concurrent application Ref: LA03/2022/0597/F seeks permission for the proposed erection of 98 residential units and all associated site works and is currently pending a decision. Letters of representation raised concerns relating to the deliverability of the proposal. Although the current application is standalone, it is nevertheless interlinked with the concurrent application Ref: LA03/2022/0597/F and will be subject to a Section 76 agreement. .

Policy Context and Principle of Development

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

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

The application site is located on unzoned white land between the development limit of Metropolitan Newtownabbey and the inner edge of the greenbelt as defined within the Belfast Urban Area Plan (BUAP). DBMAP identifies the site as part of a larger parcel of lands (69.28Ha) zoned for housing with the site being a committed housing site (MNY 03/20).

The proposal seeks permission for the erection of a children's play park and all other site works. The application site is located within the existing Mayfield Park, an existing area of recreation and open space. Planning Policy PPS 8 deals with sport and outdoor recreation with Policy OS 1 seeking to protect areas of existing open space provision. The wider Mayfield Park previously included a children's play park as part of the wider masterplan for Mayfield Village. The current application effectively seeks permission for the reinstatement of a play park with play equipment and therefore does not result in a loss of any existing open space and is therefore acceptable in principle.

Design, Layout and Appearance

The application site is located within a grassed area between existing pathways. The surface of the play area is to be finished in bark effect safety surfacing. The play area includes six pieces of play equipment including a voyage toddler play frame, a wheelchair carousel, a daisy springer, multi seesaw, double springer and a combi swing frame. The variety of play equipment adheres to the policy objectives of PPS8 as it provides convenient and accessible facilities inclusive of those with disabilities.

The site plan Drawing No 02 indicates the existing vegetation surrounding the site to be retained with a small amount of landscape enhancement around the periphery of the proposed play park area. Letters of representation have raised concerns regarding the maintenance of the play park and the surrounding areas of open space. No details have been provided regarding this aspect, however, it is considered that if planning permission is forthcoming a condition should be imposed requiring a Landscape Plan to be submitted which sets out the long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space.

Neighbour Amenity

One objection letter has been received which raises concerns with the potential impact on residential amenity, by way of anti-social behaviour, noise and nuisance. There is no effective change of use occurring at the site and the intensity of use is not increasing in proximity to neighbouring properties, therefore it is considered that the inclusion of children's play equipment within an existing park will not create significant impacts on neighbouring properties.

Consultation was carried out with the Council's Environmental Health Section (EHS) who have indicated that they are aware that the proposed site was previously used as a play park and therefore would have no objections to this application. EHS go on to recommend that the applicant submits a play park operation plan to address issues around maintenance, safety and management of the facility. If planning permission is forthcoming it is considered that this can be addressed through the use of an appropriately worded condition which would need to be agreed with the Council prior to the play park becoming operational.

Other Matters

Anti-Social Behaviour

A letter of objection raised concerns regarding anti-social behaviour and vandalism of the previous play park equipment. The existing park is located within a residential area, in close proximity to residential properties, as such it is thought that a level of surveillance is achieved. As indicated above if planning permission is forthcoming it is considered that a negative condition should be imposed requiring the submission of an operational plan for the play park. If anti-social behaviour is experienced this issue should be raised with the developer or alternatively the PSNI.

Play Park Facilities

A letter of objection raised concerns that the proposed facilities did not go far enough and that more facilities are required for the area. The proposal submitted by the applicant is the current scheme to be assessed, there is no obligation on the applicant to submit additional facilities other than those indicated.

CONCLUSION

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

- The principle of the development is acceptable;
- The design and appearance is considered appropriate;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents; and
- The proposal will not detract from the character and appearance of the area.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

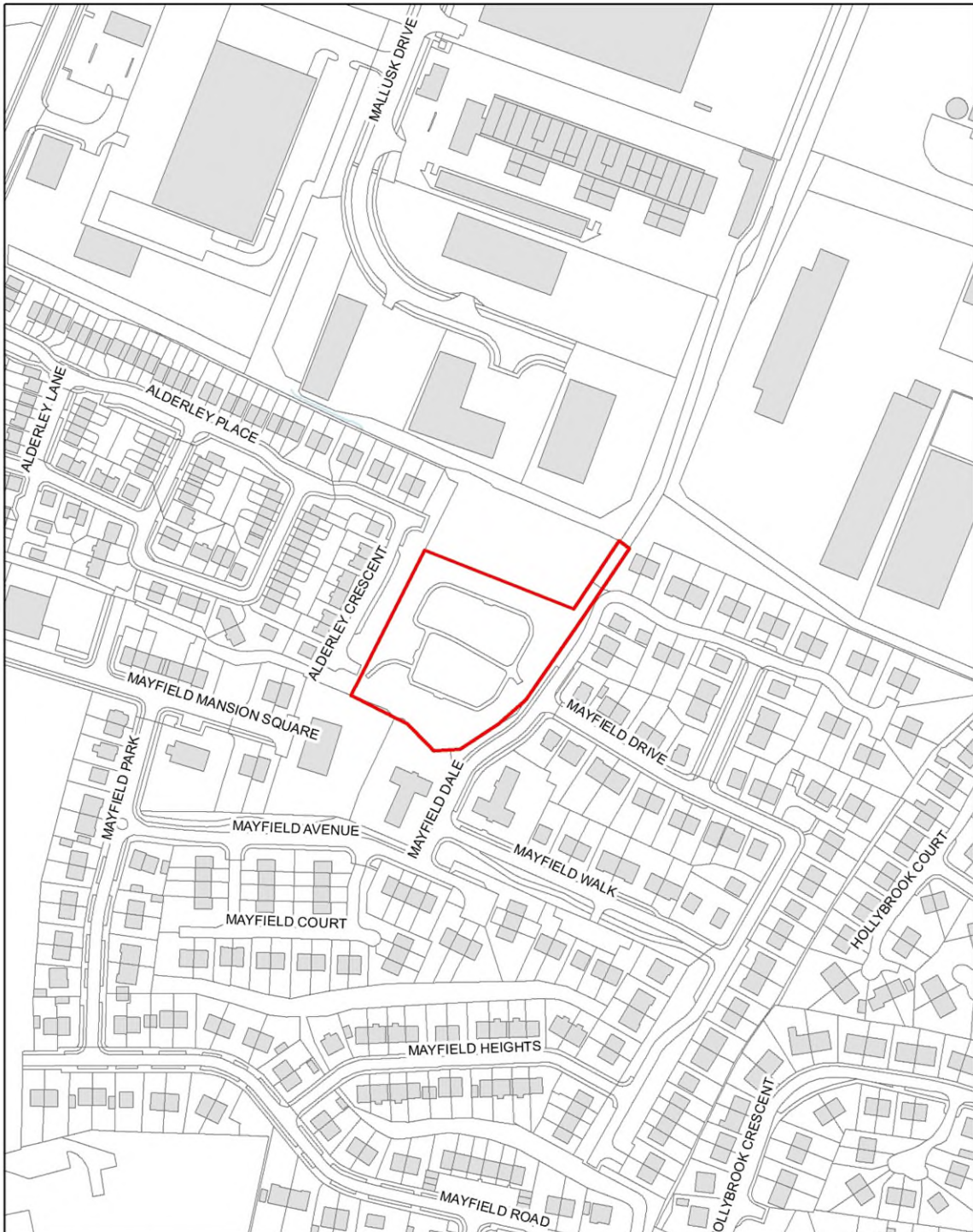
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to the commencement of development hereby permitted a detailed specification of the equipment to be provided within the equipped play area as indicated on Drawing No. 02 date stamped received 15th January 2024 and details of the safety, maintenance and management of the facility shall be set out in a document and submitted to and agreed in writing by the Council. These details shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for the play park which shall be carried out in accordance with the document.

Reason: To ensure provision of an appropriately equipped children's play area takes place concurrently with the development of the site.

3. Prior to the commencement of development hereby permitted a landscape management and maintenance plan for the site shall be submitted to and approved by the Council in writing.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.



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Site Location Plan

1:2,500 

Reference: LA03/2024/0020/F

 Site Location



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2023/0629/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	2 dwellings and garages
SITE/LOCATION	Approx. 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA
APPLICANT	James Greer
AGENT	Maine Designs
LAST SITE VISIT	5th October 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 50m east of 1 Tildarg Brae, Ballyclare, within the countryside as identified in the draft Belfast Metropolitan Area Plan (2004).</p> <p>The application site is located off Tildarg Brae and forms an irregular shape, incorporating agricultural fields and an existing farm yard. An existing general purpose shed is positioned east of the application site, which is a concurrent application currently under consideration under application Ref: LA03/2023/0873/F. No.1 Tildarg Brae is positioned adjacent to and west of the application site. Both the aforementioned buildings are under the control of the applicant. The topography of the site rises in a northerly direction.</p> <p>The application site is located within the rural area however there is a noticeable grouping of buildings along Tildarg Brae.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning reference: LA03/2023/0873/F Location: Approx. 100m east of 1 Tildarg Brae, Ballyclare, BT39 9ZA Proposal: General purpose agricultural building for the storage of farm vehicles, machinery, animal feed and incorporating a veterinary inspection/isolation unit (retrospective) Decision: Under consideration.</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area</p>	

Plan and its associated Interim Statement together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Newtownabbey Area Plan 1984-2001: The application site is located outside any development limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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

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

CONSULTATION

Council's Environmental Health Section - No objection, subject to informatives.

Northern Ireland Water - No objection.

Department for Infrastructure Roads - No objection.

REPRESENTATION

Eight (8) neighbouring properties were notified and one (1) anonymous letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningsystemni.gov.uk>).

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

- Principle of development;
- Applicant has had planning approval granted for 2 dwellings in the past 5 years on neighbouring lands;

- The general purpose agricultural building to the southeast has only recently been constructed;
- Noise from construction works and farm vehicles and machinery;
- Traffic concerns: and
- Proximity to a working farm.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Both of the relevant development plans identify the application site as being outside any development limits and located within the open countryside. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

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

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

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

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

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

The application site for two (2) proposed dwellings are accessed via a private laneway which currently serves an agricultural building and surrounding yard area. The retention of this building and yard is currently under consideration under application Ref: LA03/2023/0873/F. The laneway accesses onto Tildarg Brae, which also serves five existing dwellings.

The agent has submitted detailed plans in support of the application; a Site Location Plan, Drawing No. 01 and a Block Plan, Drawing No. 02, both date stamped 25th August 2023. The agent contends within the drawings that a private laneway diverges from Tildarg Brae, continuing past the application site and terminating at the rear elevation building line of the existing general purpose store/shed. The agent confirmed in an email dated 25th September 2023 that 'the agricultural shed was constructed as a farm livestock fodder and machinery shed and is still used for same purpose.'

The submitted Block Plan, Drawing No. 02, clearly annotates a laneway extending through the farmyard in an attempt to demonstrate the presence of a continuous laneway. It is apparent from the site inspection and from google earth imagery that the identified laneway terminates at the southeastern corner of Site 2, and does not continue past this point. The area to the front of the general purpose store is merely an agricultural yard with an area of hardstanding ancillary to the farmyard,

equivalent to a driveway around a house. Indeed, at time of the site visit, there were numerous pieces of farming equipment stored within the yard and in the area indicated on Drawing No. 02 as forming part of the private laneway.

A recent appeal decision (22nd January 2024) Ref: 2023/A0022 (planning application Ref: LA03/2022/1040/F) within the Borough was dismissed following the refusal of planning permission for the development of a dwelling within a small gap within an otherwise substantial and continuously built-up frontage. As presented in the appeal case, the Council contended that the 'laneway' was not continuous and the area indicated as being the laneway was in fact part of the existing farmyard. The Commissioner agreed with the Council's position that the access to the farm buildings was not part of a through laneway and dismissed the appeal. The current proposal is similar in nature to the appeal case in that it is considered that the access to the general purpose agricultural store and its surrounding yard area terminates at the southwestern corner of the application site and is not considered as a through laneway.

Therefore, it is considered that the application site does not demonstrate a small gap site within a substantial and built-up frontage and therefore does not comply with the provisions of Policy CTY 8 of PPS 21.

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

Impact on Character and Appearance of the Area

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

Given the siting and set back distance of the dwellings from Tildarg Brae, in combination with the existing boundary treatments and structures, it is considered that the proposed development will not appear prominent and will integrate appropriately within the landscape. If the proposal is deemed acceptable, a number of existing boundary treatments will be conditioned for retention to ensure adequate enclosure is provided for the site. New landscaping will provide additional levels of enclosure upon maturity. The proposed dwellings replicate the same design, and are two storeys in height with a subordinate front porch. The proposed finishes include: cement render; dark/grey roof tiles/slates; and zinc cladding to the front porch. Garages are also proposed which match the finishes of the proposed dwellings and also remain subordinate. The design of the proposals are considered acceptable.

The proposal is considered to respect the traditional pattern of development exhibited in the surrounding area, with a plot area and depth similar to those in the immediate context.

It is considered that the proposal will also result in a further suburban build-up of development when viewed with the existing buildings, therefore having a detrimental impact on the rural character of the area. The proposal is not considered to comply with the policy provisions of Policy CTY 14.

Neighbour Amenity

No.1 Tildarg Brae is located directly adjacent to and west of the application site and is under the ownership of the applicant. A three bay, two storey garage is positioned between the neighbouring dwelling and the proposed siting of the proposed dwelling on Site 2, thereby screening any potential views and protecting the neighbouring amenity. No windows are positioned to the rear elevation of the neighbouring garage.

A number of windows are positioned along the ground floor side elevation of Site 1 and Site 2, whereby they face each other. If the proposal is deemed to be acceptable, in order to mitigate any detrimental impacts of overlooking on each property, a 1.8m high fence will be conditioned to be erected along the common boundary. Whilst it is accepted that the use of such a boundary treatment within the rural area is typically not appropriate, given it's positioning between the proposed dwellings and the fact that the approval of the overall scheme would be suburban in character, the issue of the fence would not have any additional significant impact.

The proposed dwelling on Site 1 has one bathroom window on its first floor, which faces Site 2. If the proposal is deemed acceptable, a condition is to be attached to ensure the use of obscure glazing in order to protect neighbouring amenity.

The proposed dwelling on Site 2 has a bedroom window on its first floor which faces Site 1. Given the low occupancy nature of the room, and the 11m separation distance between the dwellings, no detrimental impact by way of overlooking is expected to occur.

No impacts by way of dominance, loss of light, or overshadowing are expected to occur between the proposed dwellings given their similar siting and land levels, the 11m separation distance, and the pathway of the sun. Additionally, given the separation distance to the surrounding dwellings, no significant impacts by way of dominance, loss of light/overshadowing are expected to occur.

Other Matters

An objector raised concerns within an objection letter that the laneway is inadequate to accommodate two further dwellings, with it already serving five existing dwellings and being used by agricultural vehicles. DfI Roads was consulted with regards to the development proposal; its impact on road safety, the proposed visibility splays and sightlines, and the development's impact on the flow of traffic. DfI Roads responded with no objections to the proposal and as such the Council has no reason to refuse the application on road safety concerns. The development is therefore considered to comply with PPS 3 Access, Movement and Parking.

Concerns regarding noise and livestock from the adjoining farm were also raised within the objector's representation. The Council's Environmental Health Section (EH) was consulted regarding the proposal and responded with no objections, however it noted that the development is in close proximity to an existing farm. EH has recommended that a number of informatives are attached to the grant of any planning permission in relation to the potential adverse impacts from the adjacent farm and possible mitigation measures.

The objector also raised concerns with regards to noise relating to the construction works in close proximity to the application site. Although it is acknowledged that there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however, this is likely to be at a low level associated with the daily living requirements of the occupiers of dwellings.

The objector also comments upon how the proposal does not comply with Policy CTY 2A and Policy CTY 10 of PPS 21. The proposal is for two (2) infill dwellings on the P1 application Form and as such no assessment has been made with regards to Policies CTY2a and CTY 10, nor was any information provided by the agent for an assessment to be made against these policies.

The objector also stated within their representation that planning permission has been granted for four dwellings along this stretch of Tildarg Road. Paragraph 2.3 of the SPPS states that the planning system operates in the public interest of local communities and the region as a whole. It does not exist to protect the private interests of one person against the activities of another. Planning applications often encounter competing and conflicting private interests. Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan relevant policies, the development plan prevailing at that time and other material considerations. The planning reports and reasoning in relation to the planning approval references referred to in the letter of representation (Ref: LA03/2019/0889/F and LA03/2019/0590/F) are available to view online via the Planning Register.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 and Policy CTY 8 of PPS 21;
- The design and appearance is appropriate for the site and would integrate appropriately with the surrounding rural area;
- It is considered that the proposal is contrary to Policy CTY 14 as it will further add to the suburban build-up of development in the area when viewed with existing buildings;
- There is no significant impact on any neighbouring properties; and
- There are no road safety concerns associated with the development proposal.

RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSED REASONS FOR REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage. 3. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will add to the suburban style build-up of development when viewed with existing buildings. 	



Site Location Plan

Application Reference: LA03/2023/0629/F

Location: Approx 50m East of 1 Tildarg Brae, Ballyclare, BT39 9ZA

Proposal: 2 dwellings and garages



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2024/0005/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed conversion & re-use of existing outbuilding of permanent construction to form 4 no. residential units
SITE/LOCATION	Approx. 35m east of 8A Logwood Road, Ballyclare, BT39 9LR
APPLICANT	Peter Boyd
AGENT	Robert Logan Chartered Architect
LAST SITE VISIT	14/02/2024
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</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 35m east of No.8A Logwood Road, Ballyclare and is within the rural area outside any development limit as defined within the draft Newtownabbey Area Plan (dNAP) and draft Belfast Metropolitan Area Plan (2004).</p> <p>The site comprises an existing two storey outbuilding set to the rear of the private amenity area for No.8A Logwood Road. The site is set back approximately 55m from the roadside and accessed from an existing shared laneway which also serves No. 8 Logwood Road.</p> <p>The surrounding area is predominately rural in character and agricultural in nature with a number of outbuildings and detached dwellings surrounding the site. A garden centre is located directly south of the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2002/0783/F Location: Rear of 8A Logwood Road, Ballyclare Proposal: Erection of stables/storage Decision: Permission Granted (12/09/2003)</p> <p>Planning Reference: LA03/2022/1122/O Location: Rear of 8A Logwood Road, Ballyclare Proposal: Proposed site of dwelling and garage in existing cluster Decision: Permission Granted (15/05/2023)</p>	

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

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

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

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

DfI Roads: No objection

Environmental Health Section: No comment to date.

Northern Ireland Water Multi Units East: Advice

DfI Rivers: No comment to date.

DAERA Water Management Unit: No objection

REPRESENTATION

Four (4) 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 Amenities
- Access and Parking
- Flood Risk

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.

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is PPS21: 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. PPS 7 'Quality Residential Environments' and PPS 7 (Addendum) 'Safeguarding the Character of Established Residential Areas' also provide relevant policy context for residential developments.

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. It goes on to say that other types of development will only be permitted where there are overriding reasons as to why the development is essential and could not be located within a settlement.

One of the accepted types of development is a dwelling in accordance with Policy CTY 4 'The Conversion and Reuse of Existing Buildings'. This policy states that 'planning permission will be granted to proposals for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternative uses, including as a single dwelling, where this would secure its upkeep and retention. It is also outlined that exceptionally, planning permission may be granted to conversion of a traditional building to more than one dwelling. Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use of a locally important building as a single dwelling, which is a revision of what was previously accepted under Policy CTY 4.

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessments of planning applications. Therefore, the term "locally important building" must take precedence over the term "suitable building" as outlined in Policy CTY 4 of PPS 21.

The SPPS does not define "locally important" but gives examples such as former school houses, churches and other traditional barns and outbuildings. Recent PAC decisions indicate that these cited examples typically relate to buildings that generally have some design, architectural or historic merit.

The proposal seeks to convert and re-use an existing outbuilding to form 4 no. residential units. It is noted that the existing outbuilding is currently being used as stables with horses present on the site visit. The building is finished in rendered walls and uPVC window and door frames. The building takes on a relatively modern design and is not thought to be a locally important building in this instance, rather would represent a stable building commonly found in the rural area in association with domestic or agricultural activities. The subject building is associated and set to the rear of the applicants dwelling at No. 8A Logwood Road. The building has fairly limited design, architectural or historic merit as it presents a typical stable building to the rear of a dwelling.

The agent has submitted a Design and Access Statement in support of the application, Document 01, date stamped 1st March 2024 outlining that they deem the subject building to be locally significant as it forms an important interface between the existing dwelling and adjacent commercial premises, establishes two sides of a vernacular courtyard, it is of permanent construction and it displays traditional features such as arched openings, over hanging roofs and stable doors. However, as outlined above it is considered that the building takes on a relatively modern design and is not thought to be a locally important building in this instance, rather would represent a stable building commonly found in the rural area in association with domestic or agricultural activities.

There does not appear to be any other evidence to suggest that the proposal falls to be considered under any other category of development that is noted as acceptable in principle in the countryside in accordance with Policy CTY 1 of PPS 21. Taking into consideration the above, it is considered that the principle of the conversion of an existing outbuilding to 4no. residential units is not acceptable as the building to be converted is not considered to be of 'local importance' and the applicant has failed to demonstrate any other overriding reasons why this development is essential at this rural location to meet criteria set out in Policy CTY 1 of PPS 21.

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

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

The proposal consists of the conversion of an existing outbuilding to 4no. residential units. The conversion of the building will have a limited visual impact on the subject building when viewed within the application site. The proposal seeks to upgrade the existing building including new window openings, rooflights and the addition of black uPVC rainwater goods. Along the southwestern and north-western elevations the existing stable doors will be changed to large bay windows and pedestrian doors with the brick quoins retained around the openings. Although the design of the building will be modernised in terms of its appearance, it will be reconfigured to provide the 4no. residential units. Units 1 and 2 consist of two (2) bedrooms and units 3 and 4 host three (3) bedrooms. The scale and design of the proposal is considered acceptable and will not significantly alter the appearance of the existing outbuilding.

Whilst the application site is not located within an 'established residential area' as defined in Annex E of PPS 7 Addendum, Policy LC2 of the Addendum to PPS 7 provides policy for the 'Conversion or Change of Use of Existing Buildings to Flats or Apartments' and states that the original building to be converted must be greater than 150sqm internal floor space. The existing stables have 330 sqm of floor space and are in excess of the minimum space standards set out within policy LC 2 for each unit. Units 1 and 2 comprise two bedroom units and have an overall internal

floorspace of approximately 96 sqm. Units 3 and 4 comprise three bedroom units and have an overall internal floorspace of approximately 121 sqm.

Criteria (D) and (E) of Policy LC2 require that all apartments are self-contained and that the development does not contain any apartment which is wholly in the rear of the property and without access to the public street. In this case, the units are self-contained with a separate access door for each. For these reasons, it is considered that both criteria have been complied with.

Criterion (C) of Policy QD1 requires adequate provision for private open space. Supplementary planning guidance on amenity space is provided in 'Creating Places' indicates a minimum requirement of 40sqm for any individual dwellings and an average of 70sqm across the development. The proposal has private amenity space for each unit ranging from 52sqm to 170sqm. There is also 127 sqm of communal open space located to the south of the site. The level of amenity space provided for the four (4) units is therefore considered acceptable and Criterion C of Policy QD1 has been complied with.

Drawing 06, date stamped 8th January 2024, outlines the proposed boundary treatments and landscaping works. New planting is proposed to the front of the building between the car parking spaces and adjacent to the bin store which is to be located in the north-eastern corner of the site and enclosed by a 1.8 high timber fence and gates. A 1.2m high masonry entrance wall and pillars are proposed at the entrance of the building. Given the location of the site to the rear of No. 8a Logwood Road and the existing vegetation along the roadside, views of the application site are limited from public viewpoints along the Logwood Road. In this regard, it is considered that the proposed boundary treatment and landscaping is acceptable and that the proposal can be visually integrated into its surrounding landscape in compliance with Policy CTY 13 of PPS 21.

Furthermore, it is considered that the policy criteria set out in Policy CTY 14 of PPS 21 can be met as the proposal would not cause a detrimental change to or erode the rural character of the area. It is considered that the proposed development respects the surrounding context and character of the area and therefore complies with Policy 13 and 14 of PPS 21 and Policy QD1 of PPS7.

Neighbour Amenity

The application site is located within a cluster of dwellings along Logwood Road. The application is located directly north of a garden centre and a metal fabrications company, and is approximately 35m east of No. 8A Logwood Road, which is the closest neighbouring property.

With regards to the overlooking and overshadowing, it is considered that due to the orientation of the applicant's dwelling and separation distance of 25 metres that residential amenity of neighbouring properties will not be unduly negatively affected by reason of overlooking or overshadowing.

However, the additional traffic created by the proposed development utilises the existing access for No. 8a and therefore cars will pass along the front elevation of No. 8a Logwood Road at a distance of 5 metres from the property. In addition, the car parking area for the proposed units is approximately 20 metres from the rear of No. 8a with the turning and access approximately 10 metres from this property.

There is no boundary treatment between the proposed dwellings and the existing dwelling at No. 8a and the site layout plan does not indicate any proposed boundary treatment. It is considered, therefore, that the proposal would have a detrimental impact on the amenity of No. 8 Logwood Road by reason of disturbance.

Due to the surrounding land uses the Environmental Health Section have requested a Noise Impact Assessment be submitted to protect the amenity at the proposed dwellings. Subsequently, this was requested on 5th February 2024 on a without prejudice basis but no information has been forthcoming at the time of writing. Therefore, it has not been demonstrated that the proposal will not have an unacceptable impact on the proposed residential units in terms of noise.

It is therefore considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7, Quality Residential Environments as it has not been demonstrated that the development, if permitted, would not have a detrimental impact on the residential amenity of existing and proposed properties by way of noise and disturbance.

Access and Parking

The proposal makes use of the existing access from Logwood Road which also serves No.8A Logwood Road. Criterion (f) of Policy QD1 of PPS 7 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors and other callers.

Policy AMP 7 of PPS 3 and criterion (f) of Policy QD 1 of PPS 7 requires that adequate and appropriate provision is made for parking. Supplementary planning guidance document 'Creating Places' sets out the standards of parking spaces required. The proposal provides ten (10) parking spaces which is considered sufficient for the proposed development. DfI Roads has been consulted and offers no objection. It is considered that the proposal is acceptable in relation to PPS 3 as it will not prejudice road safety or cause any significant inconvenience to traffic.

Flood Risk

The application site is not located within the 1 in 100-year fluvial floodplain but is within an area of surface water flooding.

DfI Rivers was consulted on the proposal and indicated that a Drainage Assessment is not required as the proposal relates to the conversion of a building and does not create any additional hardstanding. However, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. It is therefore considered that the proposal is acceptable in regards to PPS 15.

CONCLUSION

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

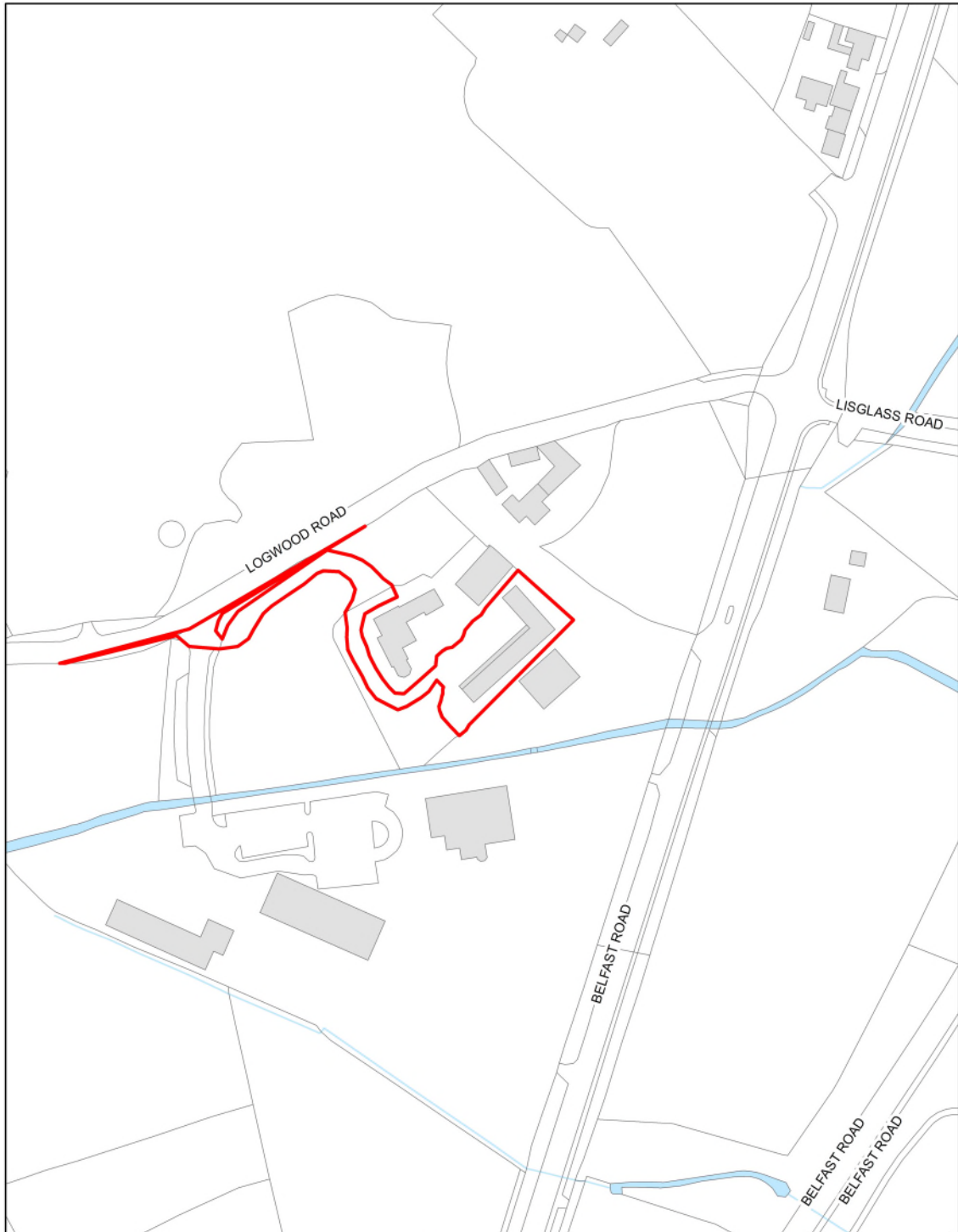
- The principle of the proposed development is considered unacceptable;
- The scale, massing, design and appearance is acceptable;
- The proposal will not have a detrimental impact on the character and appearance of the area;
- The proposal will affect the amenity of existing and future residents; and
- There is no perceived flood risk associated with the proposed development.

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 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 (SPPS) relating to the conversion and re-use of existing buildings in the countryside for residential use, in that the building to be converted is not considered to be a locally important building.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that the development, if permitted, would not have a detrimental impact on the residential amenity of existing and proposed properties by way of noise and disturbance.



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Site Location Plan

1:1,838 

Reference: LA03/2024/0005/F

 Site Location



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2023/0617/O
DEA	AIRPORT
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	2 no. detached dwellings and garages
SITE/LOCATION	Approx. 10m North East of 14 Lowtown Road, Templepatrick, BT39 0HD
APPLICANT	Peter Forbes
AGENT	Matrix Planning
LAST SITE VISIT	3rd October 2023
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 10 metres northeast of No. 14 Lowtown Road, Templepatrick. The majority of the application site (over two thirds of the site area) is located within the development limit of Lowtown as designated in the Draft Newtownabbey Area Plan 2005 (NAP) and the Draft Belfast Metropolitan Area Plan 2004 (dBMAP). The remaining north-western section of the site lies immediately outside the development limit in both Plans.</p> <p>The site consists of an enclosed field, which is overgrown with vegetation. The site sits slightly lower than the Lowtown Road and is bounded on all sides by existing vegetation. An existing hedge and a number of mature cherry blossom trees define the roadside boundary while mature hedges and trees with an approximate height of 6 metres define the north-eastern boundary. The site's southwestern boundary is defined by a 2 metre high hedge and the north-western boundary is defined mostly by mature trees in excess of 8 metres in height.</p> <p>The area in which the site is located is a small settlement characterised by the consolidation of a number of roadside dwellings and outbuildings. The settlement of Lowtown comprises a range of house types and designs to include detached, single storey and two storey dwellings. There is also a mixture of newly constructed dwellings and older traditional style dwellings and outbuildings present in the area.</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 such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

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

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

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

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

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

Addendum to PPS 7: 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 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council's Environmental Health Section – No objection.

Northern Ireland Water – No objection.

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

DfI Rivers – No objection.

DAERA (NIEA) – No objection, subject to a condition.

REPRESENTATION

Five (5) neighbouring properties were notified of the application and nine (9) letters of representation have been received from eight (8) identified properties. One (1) letter of representation did not provide an address.

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

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

- Part of the site lies outside of the development limit of Lowtown;
- Road safety concerns with regards to the access arrangements, increased traffic and insufficient parking provision;
- Overdevelopment of the site;
- Concerns in relation to the presence of protected species on the site;
- Concerns in relation to sewage provision and location of any proposed soakaway;
- Increased sewage provision would overload the nearby area with dangerous effluent and cause odour concerns negatively impacting neighbours;
- The development is not in keeping with the character of the surrounding area and would result in damage to rural character;
- The proposal would result in a detrimental impact on amenity at No. 18 by way of impact on views, being surrounded by properties and gardens, an outlook to the side of the proposed garage and potential noise impacts;
- The application site currently provides a soakaway for standing water on the road and surrounding areas and development on the site would increase the risk of flooding at neighbouring properties (including No. 18) and the proposed dwellings;
- Overshadowing and overlooking concerns regarding the property and garden at No. 18;
- The proposed dwellings would be prominent and destroy the rural character;
- Noise pollution;
- The proposed development and vegetation removal will cause destruction of wildlife habitats and feeding grounds and result in wildlife leaving the area;
- The loss of cherry trees would negatively affect local amenity;
- Lack of services to support additional development such as footpaths, lighting and reduction in speed limits;
- The development is a commercial venture for financial reward and with no regard for others;
- Concerns in relation to the amenity at No. 14 in relation to overshadowing, overlooking, noise and nuisance from car lights;

- Lands required for sight lines would include lands belonging to neighbour at No. 14 – Trees and hedges within the splays will not be removed;
- Concerns in relation to loss of access to a field behind the application site which is under the ownership of the neighbour at No. 14;
- Concern that the proposal is too densely packed (evidenced by the use of a shared driveway);
- Concerns that the plans and maps are incorrect, contradictory and includes lands belonging to the neighbour at No. 18; and
- Telephone cables run overhead across the application site.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity and Impact on Adjacent Land Uses
- Natural Heritage
- Access and Parking
- Private Amenity Space
- Flooding
- Other Matters

Policy Context and Principle of Development

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

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the most part of the application site as being within the settlement limit of Lowtown. It is noted that a portion of the site remains outside of the settlement limit but abuts its boundary. There are no specific

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

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

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

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

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

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

The SPPS states that 'good design should be the aim of all those involved in housing development and will be encouraged everywhere'. While as required by Policy QD 1 of PPS 7, it is considered that development must respect the surrounding context and be appropriate to the character and topography of the site in terms of scale layout, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The density of the proposed development should also not be significantly greater than that found in the surrounding area.

As noted above, the proposal seeks outline planning approval for two dwellings and garages and as such, matters of siting, design and external appearances will be dealt with at the Reserved Matter stage. It is noted that the applicant has provided an indicative layout as shown on Drawing No. 03/1. Although this drawing is useful in that it illustrates how two dwellings could be accommodated on site, the proposed layout (specifically the location of the two garages forward of the proposed dwellings) is not likely to be acceptable.

As stated above a portion of the application site lies outside of the settlement limits. The indicative layout (Drawing No. 03/1) shows the lands outside the development limit of Lowtown to be used only as rear private amenity areas. The agent has referred to a number of Planning Appeal decisions (2011/A0178 and 2013/A0133) within the supporting statement. Whilst these appeals are not directly comparable to the application site, they do highlight that the Planning Appeals Commission (PAC) has previously attached weight to applying a visual test in relation to extending

development into the open countryside and the overall impact on the character that the development proposal would have.

In this case, the application site's north-western site boundary lies beyond the settlement limit and avails of mature boundary vegetation. This provides a natural buffer for the site and a visual backdrop to any new development. It is considered that the full extent of the application site represents a reasonable and physically defined rounding off and a consolidation opportunity for the existing settlement of Lowtown and that two dwellings with gardens (and no development) extending into the lands immediately adjacent to the limit would not alter the character or appearance of the area.

The plot sizes and patterns appear varied in the area, with a number of older buildings sited at angles within irregular shaped plots. The application site has a plot width of 36.5 metres (roughly 18 metres per dwelling). Whilst this plot size appears smaller than some other plots in the area, it remains similar to those dwellings at Nos. 10 and 19 Lowtown Road. The dwelling at No. 21 and its associated outbuilding also exhibits a more restricted curtilage width.

With the above considered, it is concluded that two dwellings on the application site would be in keeping with the established residential character of the area assuming an appropriate design can be agreed at Reserved Matters stage.

Neighbour Amenity and Impact on Adjacent Land Uses

Policy provided within the SPPS and in Policy QD 1 of PPS 7 requires that the design and layout of any proposed development will safeguard the amenity of existing residents and not have a detrimental impact in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

As noted above the application site is bound on all sides by existing vegetation. A condition will be attached to any planning approval ensuring that this vegetation is retained (with the exception of the removal of the roadside vegetation, as this will be required to be removed in order to achieve site lines). The retention of the vegetation along the common boundary with Nos. 14 and 18 Lowtown Road, together with appropriate design and siting considerations at the Reserved Matters stage will ensure that there will be no significant detrimental impact on any neighbouring property. It is considered that two suitably designed dwellings could be accommodated on the site that would not cause any unacceptable impact in terms of overlooking, overshadowing, or dominance.

As well as the matters already addressed above, concerns have been raised by objectors in relation to potential noise impacts and nuisance from car lights. Although there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however, this is likely to be at a low level associated with the daily living requirements of the occupiers of dwellings.

It is noted that the Council's Environmental Health Section (EHS) has been consulted in relation to the development proposal and raised no concerns in relation to potential noise impact from the proposed dwellings or impact from lighting

associated with same. However, EHS advise that the application site is in close proximity to a farm (which is presently un-used), however, they have noted that noise and odour impacts at the proposed dwellings could be sufficiently mitigated through appropriate design and boundary treatments, which can be addressed at the Reserved Matters stage.

Given the residential nature of the proposal, it is considered that there would be no significant impact on neighbour amenity by way of increased noise levels or nuisance from lighting resultant from the proposed development.

Natural Heritage

It is noted that a number of objectors raised concerns in relation to natural heritage matters. These matters include the potential for protected species to be on the site and the impact that vegetation removal will cause to wildlife habitats and their feeding grounds, resulting in wildlife leaving the area and the loss of amenity for residents.

Due to the presence of mature vegetation on the site and the concerns raised in relation to the potential presence of protected species, the applicant was requested to submit a Biodiversity Checklist to be completed by a suitably qualified ecologist. The submitted Biodiversity Checklist & Ecological Statement (Document 02 date stamped 1st November 2023) concluded that the proposal would have no impact on protected sites. It is noted that some priority native species hedgerows are present on the site and that some hedgerows will be removed for access purposes; however, no long term impact on priority habitats is predicted if the appropriate mitigation is followed.

The statement goes on to identify that no priority species were present on the application site other than common bird species. It makes specific reference to the objectors' letters indicating the presence of a protected species, however, no evidence was found to support these claims. While there was extensive evidence of rabbits on the site and their movements into adjacent areas, it should be noted that no access to private lands was possible outside the site so these were not assessed. The statement details a number of mitigation measures to include that any tree, scrub, and ivy removal is carried out outside of the bird breeding season (1st March – 31st August) and ensuring that there is like for like hedge replacement.

Given the assessment and information provided by the ecologist within Document 02, it is considered that the proposal would not result in any significant adverse impact on protected species or any other natural heritage feature. The suggested mitigation measures will be conditioned upon any forthcoming approval.

Access and Parking

It is noted that a number of objectors highlighted the matter of road safety and increased traffic levels as a major concern with regards to the proposed development. DfI Roads has been consulted on the application in relation to access and road safety matters and responded to advise that it is content with the proposal subject to conditions.

The matter of insufficient parking has also been raised by objectors. Site layout and parking arrangements will be fully assessed at the Reserved Matters stage but it is

considered that sufficient space is available within the application site to accommodate the appropriate car parking for two (2) dwellings.

Private Amenity Space

Given this proposal is only for two dwelling houses it is not necessary to require public open space. Supplementary Planning Guidance provided in the 'Creating Places' document states that the appropriate level of private amenity space provision should be determined by having regard to the particular context of the development and indicates a minimum requirement of 40m² of private open space for each dwelling house. It goes on to indicate that development of this nature requires an average of 70m². In this instance there is ample space on the site to ensure that the dwelling houses have a sufficient level of amenity space appropriate to the scale of the dwellings and to the surrounding pattern of development.

Flooding

It is noted that a number of representations raised concerns with regards to flooding. These state that the application site currently provides a soakaway for standing water on the road and surrounding areas, meaning that development on this site would increase the risk of flooding at neighbouring properties (to include No. 18) and that the development site itself would also be at risk of flooding.

DfI Rivers has been consulted in relation to the application and responded to confirm that the site lies outside the 1 in 100 year floodplain and that a Drainage Assessment is not required for the development proposal. Their response does however highlight that where a Drainage Assessment is not required, it is the developer's responsibility to assess the flood risk and drainage impact. Developers will be responsible for mitigating any risk to the development or beyond the application site. As such, an informative will be attached to any approval ensuring that the applicant is aware of their responsibility with regards to drainage matters.

Contamination

A Preliminary Risk Assessment (Document 03) and a letter from O'Sullivan McFarlane – Environmental Consulting (Document 04) has been provided and as such DAERA and EHS were consulted for comment in relation to contamination matters.

The information submitted within Document 03 and Document 04 concludes that there are no significant sources of contamination either on, or adjacent to the site, but recommends that if during any future development works, new contamination or risks are encountered which have previously been identified, works should cease and it should be fully investigated.

Both DAERA and EHS have no objections to the proposal subject to conditions in relation to any new contamination risks being identified.

Other Matters

This section of the report will consider matters raised in letters of objections that have not yet been addressed in the main body of the report.

It is noted that a number of representations have raised concerns in relation to sewage provision and the impact that increased sewage provisions may have in relation to effluent and odours and their potential for having a negative impact on

neighbours. The applicant has indicated on the submitted P1 Form that foul sewage is to be disposed of via a septic tank or package treatment plant. Appropriate consents to include a Consent to Discharge will be required prior to the construction of any new development on the site.

Matters in relation to mapping inaccuracies and landownership have also been raised. Confirmation has been obtained from the applicant, who advises that they own the lands included in the application site and all appropriate notices have been served upon any other registered owners. Land ownership is a civil matter and any disputes in relation to this should be resolved outside of the planning process by involved parties. This also relates to any lands or vegetation removal required to achieve the appropriate visibility.

Concerns have also been raised by objectors in relation to the lack of services to support additional development such as footpaths, lighting, reduction in speed limits and also in relation to telephone cables running overhead across the site. The availability or demand on services in the area is unlikely to be prejudiced by the development of two (2) dwellings in the area and would represent a small increase in the overall population. It is hard to conclude that the services in the area would be unable to cope with the small increase in population and consequently this issue is not considered to be a determining concern.

Lastly, concerns have been raised by objectors that the development is a commercial venture for financial reward and has no regard for others. Impacts of the proposed development have already been assessed in the main body of the report. Each planning application is assessed on its own merits, with a decision being made based upon the draft development plans, relevant policies prevailing at that time and other material considerations. Whether the proposed development is commercial or private is not a material planning consideration and accordingly, for the reasons set out above determining weight in the decision making process is not being attributed to the point of objection as made.

CONCLUSION

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

- The principle of two dwellings on the application site is acceptable;
- Two suitably designed dwellings could be accommodated on site without having a detrimental impact on the character of the area;
- Two suitably designed dwellings would not have any significant detrimental impact on neighbour amenity;
- The proposal will not result in any significant adverse impacts on natural heritage features;
- Sufficient space has been provided for parking;
- The detailed access arrangements will be assessed at the Reserved Matters stage;
- An appropriate level of private amenity space can be provided for two dwellings;
- The application site is not situated within the floodplain; and
- Matters relating to drainage should be dealt with appropriately by the developer.

RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSED CONDITIONS	
<p>1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters must be made to Antrim and Newtownabbey Borough Council within 3 years of the date on which this permission is granted and the development, hereby permitted, must be begun by whichever is the later of the following dates:-</p> <p>the expiration of 5 years from the date of this permission; or the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), must be obtained from the Council, in writing, before any development is commenced.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p> <p>3. A scale plan and accurate site survey at 1:500 (minimum) must 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. If during the development works, a new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council must be notified immediately. This new contamination must 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. In the event of unacceptable risks being identified, a remediation strategy must be agreed with the Council in writing and subsequently implemented and verified to its satisfaction.</p> <p>Reason: To control any risk to human health arising from land contamination and for the protection of environmental receptors to ensure the site is suitable for use.</p> <p>5. After completing all remediation works required under Condition 4 and prior to operation of the development, a verification report will be submitted in writing and agreed by the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm</p>	

The verification report must represent 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: To control any risk to human health arising from land contamination and for the protection of environmental receptors to ensure the site is suitable for use.

6. A landscaping scheme to include all retained vegetation and full details of all proposed tree and shrub planting and a programme of works shall be submitted with the application for Reserved Matters and all landscaping works shall be carried out as approved by the Council in accordance with those details and at those times as contained in this scheme. The proposed planting shall include the replacement of any hedging (like for like elsewhere on the site) that may be removed in order to provide safe access to the site.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to mitigate the impact of development on biodiversity.

7. The existing hedgerow and vegetation along the north-eastern, north-western and southwestern boundaries of the site as indicated in orange on Drawing No. 01/1 date stamped 1st November 2023 must be retained at a minimum height of 2 metres for hedges and 4 metres for trees.

Reason: To ensure the maintenance of screening to the site, to aid with integration and to maintain the amenity at the neighbouring properties.

8. If any retained tree is removed, uprooted, destroyed or dies within 5 years from the date of completion of the development it must 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 and to maintain amenity at the neighbouring properties.



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2023/0599/F
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed 22.5m telecommunications column, with 6No. antennae, 15No. ERS & 2No. radio dishes. Proposal includes the creation of a site compound containing 1No. cabinet and associated equipment, enclosed by a 2m high palisade fence and ancillary works.
SITE/LOCATION	Approximately 25m South West of 11 Tidal Industrial Park, Antrim, BT41 3GD
APPLICANT	Telefonica UK Limited & Cornerstone
AGENT	Les Ross Planning
LAST SITE VISIT	3 rd October 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</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>This application was deferred at the February Planning Committee in order to ascertain whether DfI Rivers would review the Flood Risk Assessment without the Council first having declared the proposed development as an exception to Policy FLD 1 of PPS15.</p> <p>Policy FLD 1 of PPS 15, operates a presumption against the grant of planning permission for development in fluvial flood plains. The policy goes on to state that development will not be permitted within the 1 in 100-year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. In an e-mail dated 14th November 2023 the agent states that this development proposal is an 'exception' to Policy FLD 1 of PPS 15 by reason that the development proposal is a utilities infrastructure development that for operational reasons has to be located within the flood plain. A Flood Risk Assessment (Document 06, date stamped 15th November 2023) was submitted in support of the development proposal however the Council does not consider this development proposal to be an 'exception' to the Policy.</p> <p>The Officers view is that telecommunications masts are not normally located in flood plains, there is no operational reason for the mast to be in this flood plain, it could perform its function at another location with no adverse impact.</p> <p>Following discussions with DfI Rivers they have confirmed that their protocols require the Council to make a determination on whether the proposal is considered to be an exception, before the Flood Risk Assessment is assessed. They have indicated that this protocol applies to their engagement with all Councils and to deviate from it would set an unwelcome precedent and deviation from Policy.</p>	

In the circumstances the recommendation remains to refuse planning permission as the development does not constitute an exception to the Policy.

CONCLUSION

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

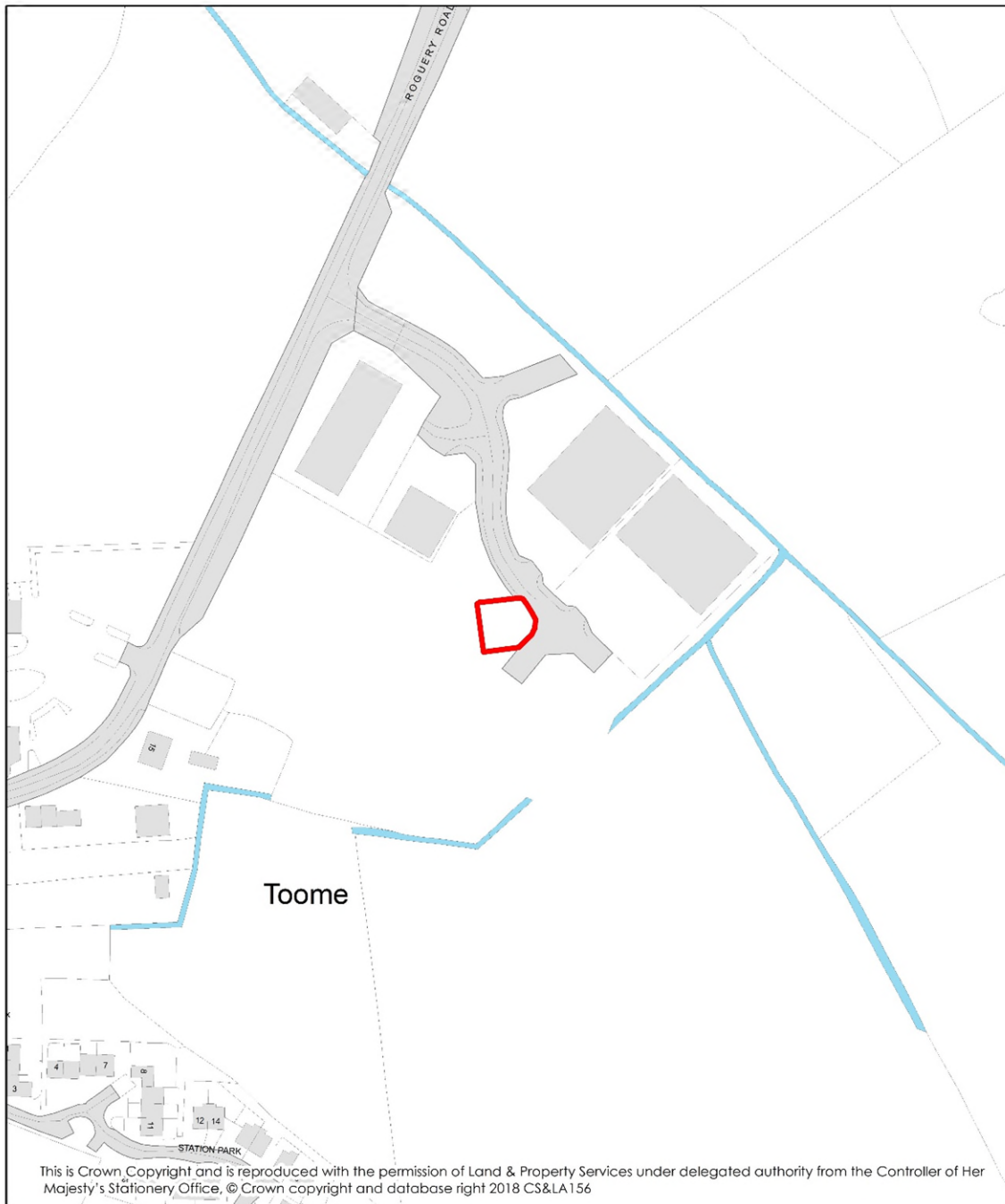
- The principle of the development has not been established on site as the proposal is located within a fluvial flood plain;
- The proposal has not been deemed an exception in relation to Policy FLD 1 of PPS 15;
- The design and appearance of the development is considered acceptable;
- There is no detrimental impact on residential amenity;
- The proposal has the potential to harm the environmental quality or character of the local area through increased flood risk; and
- It is considered there is no detrimental impact on road safety.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy FLD 1 of Planning Policy Statement 15 Planning and Flood Risk, in that it has not been demonstrated that the proposal is an exception for development in a fluvial flood plain.
2. The proposal is contrary to the policy provisions contained within the Strategic Planning Policy Statement and Policy TEL 1 of Planning Policy Statement 10 Telecommunications, in that it is considered that the proposal would have an unacceptable impact on the environmental quality of the area in terms of increased flood risk.



Site Location Plan

Application Reference: LA03/2023/0599/F



Site boundary



Location: Approx. 25m southwest of 11 Tidal Industrial Park, Toome

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



PART TWO

OTHER PLANNING MATTERS

ITEM 3.8

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS FEBRUARY 2024

1 Purpose

The purpose of this report is for Members to note the planning applications decided under delegated powers and decisions issued by the PAC in February 2024.

2. Delegated Decision of Council

A list of planning decisions issued by Officers during February 2024 under delegated powers together with information relating to planning appeals is **enclosed** for Members' information.

3. Planning Appeal Commission Decisions

Two (2) appeals were dismissed during February 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2022/1087/O
PAC reference:	2023/A0020
Proposed Development:	Dwelling and Garage (infill site)
Location:	75m North West of 38 Speerstown Road
Date of Appeal Submission:	20/06/2023
Date of Appeal Decision:	15/02/2024

Planning application:	LA03/ 2022/1084/O
PAC reference:	2023/A0021
Proposed Development:	Dwelling and Garage (Infill Site)
Location:	35m North West of 38 Speerstown Road
Date of Appeal Submission:	20/06/2023
Date of Appeal Decision:	15/02/2024

A copy of the decisions are **enclosed**.

Two (2) appeals were allowed during February 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2021/0680/O
PAC reference:	2021/A0174
Proposed Development:	Proposed infill dwelling and garage
Location:	40m East of 26 Springvale Road
Date of Appeal Submission:	20/12/2021
Date of Appeal Decision:	29/02/2024

Planning application:	LA03/2021/0679/O
PAC reference:	2021/A0175
Proposed Development:	Proposed infill dwelling and garage
Location:	30m West of Rashee Cemetery, Springvale Road
Date of Appeal Submission:	20/12/2021

Date of Appeal Decision: 29/02/2024

A copy of the decisions are enclosed.

Two (2) appeals were withdrawn during February 2024 by the Planning Appeals Commission (PAC).

Planning application: LA03/2020/0264/CA
PAC reference: 2023/E0010
Proposed Development: Alleged u/a use of unit for storage
Location: 252b Seven Mile Straight (eastern unit only), Crumlin
Date of Appeal Submission: 23/05/2023
Date of Appeal Withdrawn: 12/02/2024

Planning application: LA03/2023/0430/F
PAC reference: 2023/A0061
Proposed Development: Retention of upgraded extraction system to support the manufacturing of construction materials (retrospective)
Location: Unit 3B, Norfill Business Park, Antrim
Date of Appeal Submission: 02/10/2023
Date of Appeal Withdrawn: 26/02/2024

A copy of the decisions are enclosed.

4. Recommendation

It is recommended that the report be noted.

Prepared by: Jennifer Geraghty, Planning & Economic Development Business Support Supervisor (Acting)

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 3.9

P/PLAN/063 DEPARTMENT FOR INFRASTRUCTURE (DFI) CALL FOR EVIDENCE – FUTURE FOCUSED REVIEW OF THE STRATEGIC PLANNING POLICY STATEMENT (SPPS) ON THE ISSUE OF CLIMATE CHANGE

1. Purpose

The purpose of this report is for Members to agree to the draft response prepared by Officers in advance of submission to the Department for Infrastructure.

2. Introduction/Background

Members are reminded that, as reported at the January 2024 Planning Committee, the Department for Infrastructure (DfI) has commenced a call for evidence to help inform any future focused review of the Strategic Planning Policy for Northern Ireland (SPPS) in relation to the topic of Climate Change, and Members were afforded the opportunity to provide comment to Planning Officers in advance of the DfI consultation closure on 28 March 2024. (Please be advised Officers have secured an extension until 29 March 2024).

3. Previous Decision of Council

January 2024: That a draft response will be provided to the Planning Committee.

4. Key Issues (or the relevant titles for the main body of the report)

The SPPS was published in 2015 and sets out the regional planning policies for the orderly and consistent development of land in Northern Ireland. In June 2022, Government introduced The Climate Change Act (Northern Ireland) 2022, which set a target of net zero greenhouse gas emissions by 2050, with interim targets for 2030 and 2040. DfI is therefore exploring changing the SPPS in places to give it an improved focus on the issue of Climate Change. The focus will be on the following areas and policies within the SPPS as these are considered the most affected and relevant to Climate Change:

- The Purpose of Planning;
- Furthering Sustainable Development;
- The Core Planning Principles;
- Flood Risk;
- Transportation; &
- Development in the Countryside.

5. Summary

A copy of the consultation document and a draft response are **enclosed** for Members consideration in advance of final submission to DfI on 29 March 2024.

6. Recommendation

It is recommended that the draft response be approved and submitted to Dfl.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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