

COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2022/0189/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION

PROPOSAL	Conversion of No.7 Main Street, Ballyclare to 3No. apartments with 3No.new-build townhouses to rear and accessed off Millburn Mews.
SITE/LOCATION	7 Main Street Ballyclare and site to rear accessed off Millburn Mews, Ballyclare
APPLICANT	Tony Burdett
AGENT	Crockard Building Design
LAST SITE VISIT	5th August 2022
CASE OFFICER	Michael Tomlinson Tel: 028 903 40442 Email: michael.tomlinson@antrimandnewtownabbey.gov.uk

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Additional supporting information, Document 01, was received from the agent on 20th September 2022 by way of an email. This document contains a supporting statement provided within the body of the email, an amended site layout plan showing splays of 2.4 x 30 metres; amended elevation and floor plans relating to the proposed townhouses, and a proposed landscaping plan. The revised plans were all in PDF form and no hard copies of plans were submitted. Within the email, the agent identified four (4) points that they have sought to address via the submission of the amended information.

Firstly, the agent argues that there is sufficient amenity space provided for both the proposed apartments and townhouses and that density would be comparable to that expected within an urban town centre setting and allocated off-street parking is provided for all units (the issue of parking is discussed under the third point below).

It is not disputed that the density of the proposed development would be comparable to an urban town centre setting and although the proposed conversion of No. 7 Main Street to apartments is considered an acceptable element of the development proposal, the development of the three (3) townhouses within the southwestern section of the application site will result in over-development. The layout and form of the development, compounded by the restricted area of amenity space afforded to each townhouse will have a detrimental impact on residential amenity. The footprint of the proposed townhouses has not changed and this aspect of the proposal therefore remains to be unacceptable.

The second point raised by the agent attempts to address the Planning Section's concerns regarding overlooking and dominance of neighbouring properties. The revisions to the elevations and floor plans of the proposed townhouses show that House Type A is reduced by 1.2 metres to 7.7 metres in height and is two (2) storeys in nature. The separation distance between No. 3 Millburn Mews and House Type A remains 7 metres, with no amendment made to the location or orientation of the townhouses to try and increase this separation distance. This relationship between the proposed townhouse development and the existing dwelling at No. 3 Millburn Mews is therefore still considered unacceptable. It is noted that a proposed landscaping scheme has been submitted in an attempt to reduce the impact of overlooking and dominance. However, this involves the retention of existing trees and hedge which does not provide any mitigation relating to these matters.

The third point addressed by the agent relates to two (2) DfI Roads consultation responses; the first dated 4th May 2022 and the second dated 1st September 2022, following submission of a revised layout plan. On both occasions, DfI Roads requested visibility splays of 2 metres x 33 metres at the site access be provided. The amended Site Layout Plan, Drawing Number 02/1 date received 11th July 2022 did not address the matter with regards to provision of the required visibility splays, and this was reflected in the DfI Roads response dated 1st September 2022. The agent states that the amended Site Layout Plan attempts to address the issue regarding visibility splays, however the revised drawing shows visibility splays of 2 metres x 30 metres, falling 3 metres short of what had been requested by Roads. Additionally, the agent has failed to show the proposed visibility splays fully triangulated on a revised location plan.

Within DfI Roads consultation response dated 1st September 2022, it requested that parking within the application site meets Parking Standards. In accordance with Parking Standards, nine (9) spaces would be required for such an application site, however eight (8) have been proposed. In order to address this matter the agent states that the applicant is prepared to commission a parking survey to demonstrate the availability of off-site parking spaces in the immediate area surrounding the application site. It is considered however that the submission of required amended drawings and the requirement for further consultation would further hold up the application and therefore a parking survey was not requested from the agent. This has been included in the refusal reason.

The fourth point raised in the agents supporting statement relates to the consultation response received from the Council's Environmental Health Section (EH) which refers to potential ground contamination within the application site. The agent admitted that although he read EH's consultation response he missed its request for additional information to be submitted, to show that the issue of potential contamination has been adequately considered and that all risks to human health that may arise as the result of any contamination present have been identified and managed. The agent has subsequently requested the Planning Section allow the applicant the time to have a specialist conduct a desk top study to address its concerns. Due to the inability of the amended plans to sufficiently address all the reasons for refusal, including overdevelopment of the site, overlooking, overshadowing, dominance and insufficient provision of private amenity space, it is considered that requesting the required reports at this stage and the requirement for further consultation would result in further delay and incur unnecessary expense to the applicant.

Finally, the development proposal requires the demolition of existing outbuildings to the rear of No. 7 Main Street to facilitate the development. The buildings are vacant and in a state of disrepair. Prior to demolition, due to the bat roosting potential within the buildings, a NI Biodiversity Checklist requires to be submitted and a determination made as to whether a bat survey is required to be undertaken. This was not previously requested as it was considered that this would present an unnecessary expense to the applicant. A refusal reason has been added in respect of this matter, as it has not been demonstrated that the development proposal will not have a detrimental impact on bats, a refusal reason has been included below.

The previous Planning Committee Report addressed the issues of the proposed development not respecting the surrounding context, adverse effect on existing properties, road safety and potential of ground contamination. It is considered that the proposal is still unacceptable and the proposed recommended reasons for refusal remain the same, with the addition of one (1) reason of refusal regarding bat roosting potential within the outbuildings to the rear of No. 7 Main Street.

CONCLUSION

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

- The proposal represents overdevelopment of the site and results in a cramped and unacceptable layout;
- The proposal will have a detrimental impact on the residential amenity of existing and proposed properties due to overlooking, overshadowing, dominance resulting in an overbearing impact on neighbouring dwellings;
- It has not been demonstrated that the issue of potential contamination on the site has been adequately considered;
- It has not been demonstrated that adequate access arrangements can be provided; and
- It has not been demonstrated that the development proposal will not have a detrimental impact on matters of biodiversity.

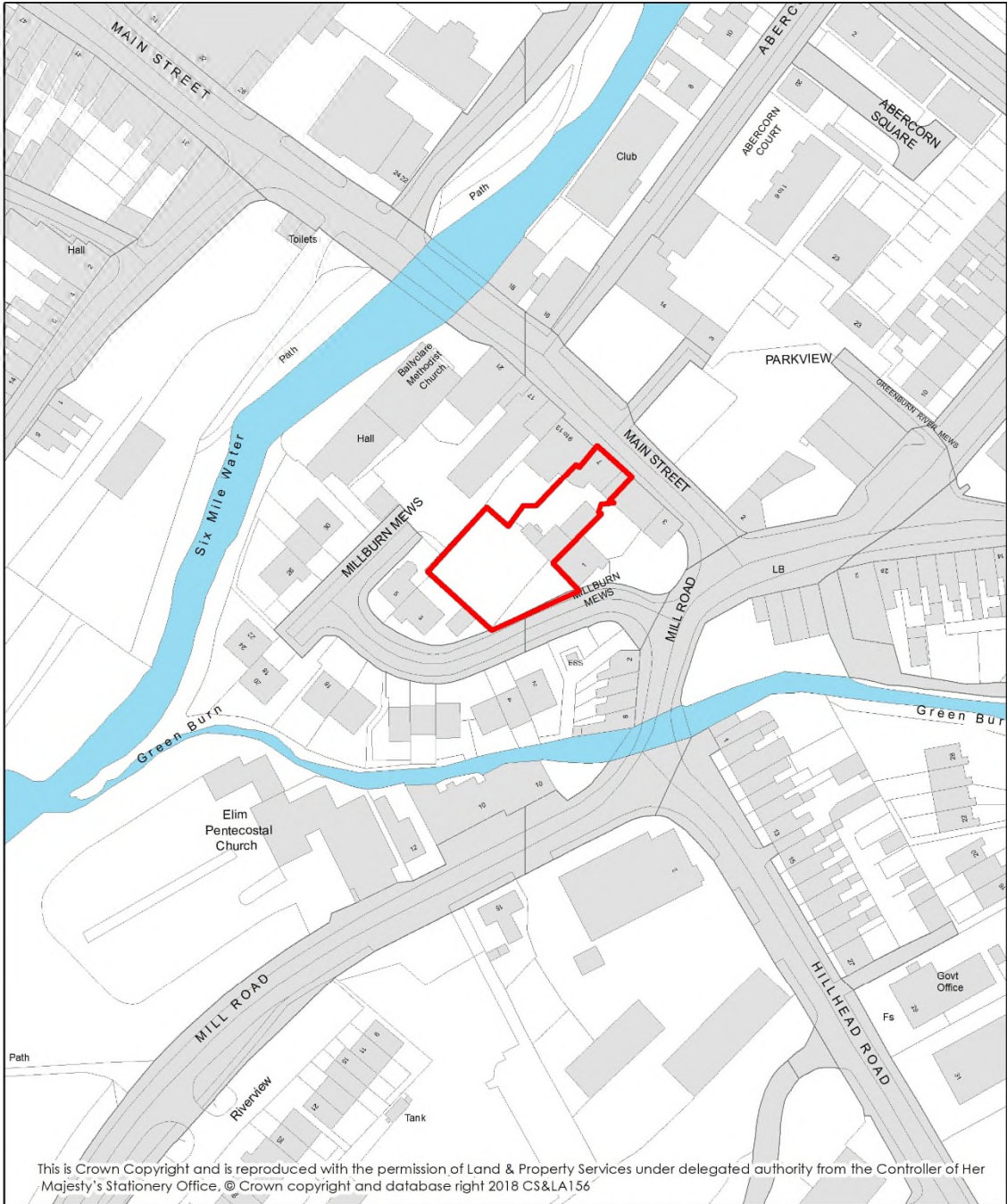
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy LC1 of Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' in that, it would result in overdevelopment of the site and it has not been demonstrated that the proposed development can achieve a quality and sustainable residential environment in keeping with the character of development in the locality.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that, if permitted would result in overdevelopment of the site resulting in an unacceptable adverse effect on both existing and proposed properties in terms of overlooking and existing properties in terms of overshadowing, dominance and insufficient private amenity space.

3. The proposal is contrary to the SPPS and PPS 3 in that it has not been demonstrated that *adequate parking provision* and visibility splays can be provided where the proposed access joins Millburn Mews and that the development would not prejudice the safety and convenience of road users.
4. The proposal is contrary to the SPPS as it has not been demonstrated that there are no risks to human health as the result of any contamination present on the application site.
5. The proposal is contrary to the SPPS and PPS 2 as it has not been demonstrated that the development would not have a detrimental impact on biodiversity and protected species.

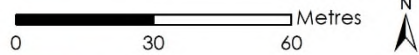



Site Location Plan

Application Reference: LA03/2022/0189/F

Location: 7 Main Street Ballyclare and site to rear accessed off Millburn Mews, Ballyclare

Porposal: Conversion of No.7 Main Street, Ballyclare to 3No. apartments with 3No.new-build townhouses to rear and accessed off Millburn Mews.



 Site boundary



COMMITTEE ITEM	3.7 – ADDENDUM
APPLICATION NO	LA03/2022/0349/F
DEA	DUNSILLY
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of an agricultural shed
SITE/LOCATION	250m NE of 60 Crosskennan Road, Antrim, BT41 2RE
APPLICANT	Marion Simmons
AGENT	Richard Burnside Architecture
LAST SITE VISIT	09/06/2022
CASE OFFICER	Tierna McVeigh Tel: 028 90340401 Email: tierna.mcveigh@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation and publication of the Committee Report, additional supporting information has been submitted by the applicant's agent, Richard Burnside Architecture. The Additional Supporting Information, Document 03 date stamped 20th September 2022, is available for Members to view online at the Planning Portal (www.planningni.gov.uk).</p> <p>The agent wishes to seek a deferral on the application to allow officers to consider the information within the Additional Supporting Information.</p> <p>The supporting information comprises some nine (9) pages and is split into four (4) main topics of discussion, including: Context; Health and Safety; Animal Welfare; and Driving Efficiencies. Under each topic the applicant has provided written justification for the need of the agricultural shed. For the sake of clarity, a synopsis of each topic is outlined below.</p> <p>Context</p> <p>In 2020, the applicant's daughter took over full responsibility of the farm holding and is a 5th generation, lone working farmer. The farm possesses some 48 cattle and 60 sheep. Reference is made to the possession of rams and lambs, however no quantitative amount of each is provided. The holding is some 35 hectares and due to the topography of the land the holding is referred as the 'Lower Farmland' and the 'Upper Farmland'. The information states that there is a difference in land quality between the two and that the Upper Farmland although is better land, provides very little shelter for livestock. The Crosskennan Road acts as a divider between the two farmlands. Situated in the Lower Farmland is the farm holding and a review of Google Earth precludes the holding to have four (4) agricultural sheds and two (2) outbuildings of which are within the curtilage of the farm dwelling.</p> <p>Health & Safety</p> <p>This section states that the applicant's daughter is the main farmer and on occasions relies on her mother to assist with the movement of livestock to and from the farm</p>	

holding, however, due to failing health and a decrease in mobility the reliance on her mother is limited. Reference is made to the speed and quantity of traffic on the Crosskennan Road and that by having an agricultural shed at this location would help reduce the risk of life to operatives, members of the public and animals, as well as drastically reduce time spent moving livestock and machinery back and forth from the farm holding. Evidence by way of livestock movement numbers was provided for a three (3) month period commencing 1st June 2022 and ending 31st August 2022 – the total of which was 35 movements.

Within this section reference is made to a previously approved planning application bearing reference LA03/2015/0091/F which approved in 2015 an agricultural shed, with associated concrete hardstanding and cattle crush facilities. The agent states that this application is similar in nature to the proposal in that the approved shed is on the opposite site of the public Lislunna Road; some 215 metres from the farm holding. The evidence submitted to support this application stated that the existing buildings on the farm holding were run down and not suitable for development; and that keeping livestock at this location would lead to difficulties when moving to grazing land on the opposite side of the road. A review of the case officer report indicates that due to the closeness of neighbouring properties (No. 30, 31 and 33 Lislunna Road), to allow the redevelopment of the existing farm buildings on the holding or placing a new building adjacent to the existing buildings on the edge of the public road would lead to potential neighbour amenity impacts. It was therefore accepted by the Council for an offsite agricultural building on the grounds of health and safety and amenity reasons due to the potential impact on neighbouring houses.

Animal Welfare

The agent states that the Upper Farmland has very little shelter which has resulted in some eight (8) cases of pneumonia within the livestock this year. Consequently, the livestock affected by pneumonia require housing and treatment, which at present cannot be achieved on the 'Upper Farmland'. Further reference is made to disease control stating that it is not ideal to move sick livestock any distance as it may worsen their condition and that foot rot within sheep has become more prevalent leading to more frequent footbaths which results in more frequent trips to and from the farm holding for treatment. The information states that at present the farm holding does not benefit from a designated quarantine area for cattle who fail the TB test and that if this requirement were to arise during lambing season there would be nowhere to quarantine cattle. It is explained that in order to facilitate a quarantine area farm machinery must be removed from one of the existing farm sheds in the holding and placed into the yard which possess risk of theft and damage.

Driving Efficiencies

Under this heading reference is made to the farm's practices, including livestock management, lambing practices, housing of cattle and future land improvement works. Specific reference is made to lambing, and it is stated that the agricultural shed will be sectioned to allow separation of sheep; it would provide shelter for the sheep and their lambs and also allow them access to all the fields on the Upper Farmland. It is also claimed that an agricultural shed in this location would allow the lower sheds on the farm holding to be used as a means of housing calves with their mothers.

Some information provided under this section is not relevant to the application and therefore has not been summarised.

CONCLUSION

In the earlier submitted Supporting Statement referenced as, Document 02 date stamped 8th April 2022, the agent specified that the proposed agricultural shed is to be used primarily for the storage of farm machinery, implements, fodder and feed stuffs to include fertilizer and hay storage. The contents of the Additional Supporting Statement suggests that the proposed agricultural shed in addition is now needed to support and house livestock. This aspect of the proposal was not conveyed clearly within the application nor did it form part of the initial assessment and the submitted plans do not reflect the end use of the agricultural shed for livestock.

While the rationale provided in support of the application is noted it is considered that the proposal fundamentally still fails to be considered as an exceptional case in line with planning policy. The applicant owns lands surrounding the main farm holding and it is concluded that it has not been sufficiently demonstrated why this additional shed could not be located closer to the existing farm group. It is concluded that, the proposed development does not provide an exceptional case for a new farm building sited at an alternative site away from the existing farm holding and its buildings. The recommendation to refuse planning permission remains the same.

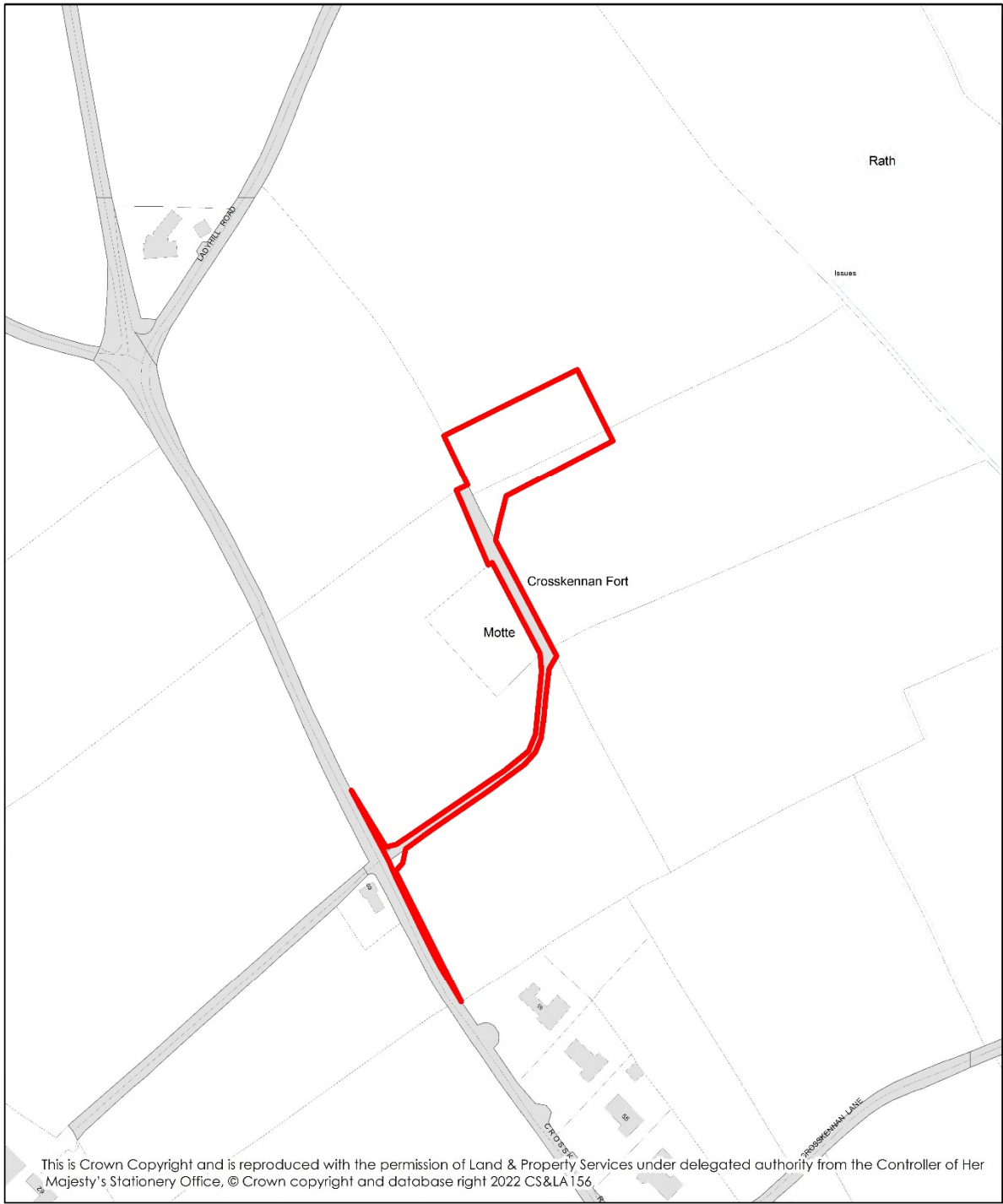
CONCLUSION

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

- The principle of development test has not been met as it has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding or why the proposed building is located away from existing farm buildings;

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

1. The proposal is contrary to Policy CTY1 and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the building is necessary for the efficient use of an active and established agricultural holding, in addition it has not been demonstrated that there are no alternative sites available at another group of buildings on the farm holding.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development, if approved, would not be sited beside existing farm buildings.



Planning Application Reference: LA03/2022/0349/F

Location: 250m NE of 60 Crosskennan Road, Antrim, BT41 2RE

Proposal: Agricultural Building

Scale: 1:2500



Site Location



COMMITTEE ITEM	3.6 ADDENDUM
APPLICATION NO	LA03/2022/0466/F
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of storage building for transport and distribution business (Variation of Condition 2 from approval LA03/2016/0540/F)
SITE/LOCATION	17 Carnanee Road, Templepatrick, BT39 0BZ
APPLICANT	Mr Andrew Taylor
AGENT	Big Design Architecture
LAST SITE VISIT	01/08/2022
CASE OFFICER	Tierna McVeigh Tel: 028 90340401 Email: tierna.mcveigh@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation and publication of the Committee Report, additional supportive information has been submitted by the applicant's agent, Big Design Architecture. The additional information, Document 02 date stamped 21st September 2022, is available for Members to view online at the Planning Portal (www.planningni.gov.uk).</p> <p>The supportive information comprises of an email from the agent and two (2) letters from Iain McCabe of O'Connor Kennedy Turtle (OKT) a commercial property consultant. Contained within the email are three (3) main points for consideration. For purposes of clarity a synopsis of each point is outlined below.</p> <p>Point 1</p> <p>The agent states that the current use of the building is a de-intensification of use as there are significantly less vehicle movements per day than when used by a haulage company. Conversely, refusing the removal of the condition will result in an intensification of use of the site.</p> <p>Point 2</p> <p>The current user of the building, Everun Ltd, specialises in wind turbine parts and require approximately 2 acres of hard-standing for the storage and distribution of these parts i.e. wind turbine blades and towers. The agent states that Everun Ltd instructed OKT to source an appropriate location, however were unable to find a suitable location within the Mallusk and wider Newtownabbey area. One of the letters from OKT confirms this position. The agent concludes by stating that this particular user is unique and cannot be located elsewhere in the Borough.</p> <p>Point 3</p> <p>Under this point the agent states that the condition was introduced in order to curtail all the buildings on the premises at 17 Carnanee Road from being used by anyone other than Taylor Transport. The agent further highlights that the applicants late father</p>	

has been renting-out the other buildings to third parties since the mid-1980s and since 2013 the lettings have been managed by OKT. The second letter received from OKT lists the current and previous tenants of Units 2 and 4.

In addition, the agent also states that 'Antrim Bark' has been operating from this location dealing with bark and concrete products for several years and that evidence can be submitted to support this.

CONCLUSION

While the rationale provided in support of the application is noted it is considered that the proposal fundamentally is still contrary to the SPPS and PPS 4 as the applicant has not demonstrated in policy terms why there are no overriding reasons to justify a variation of the condition to permit relaxation of planning control exercised in this location.

CONCLUSION

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

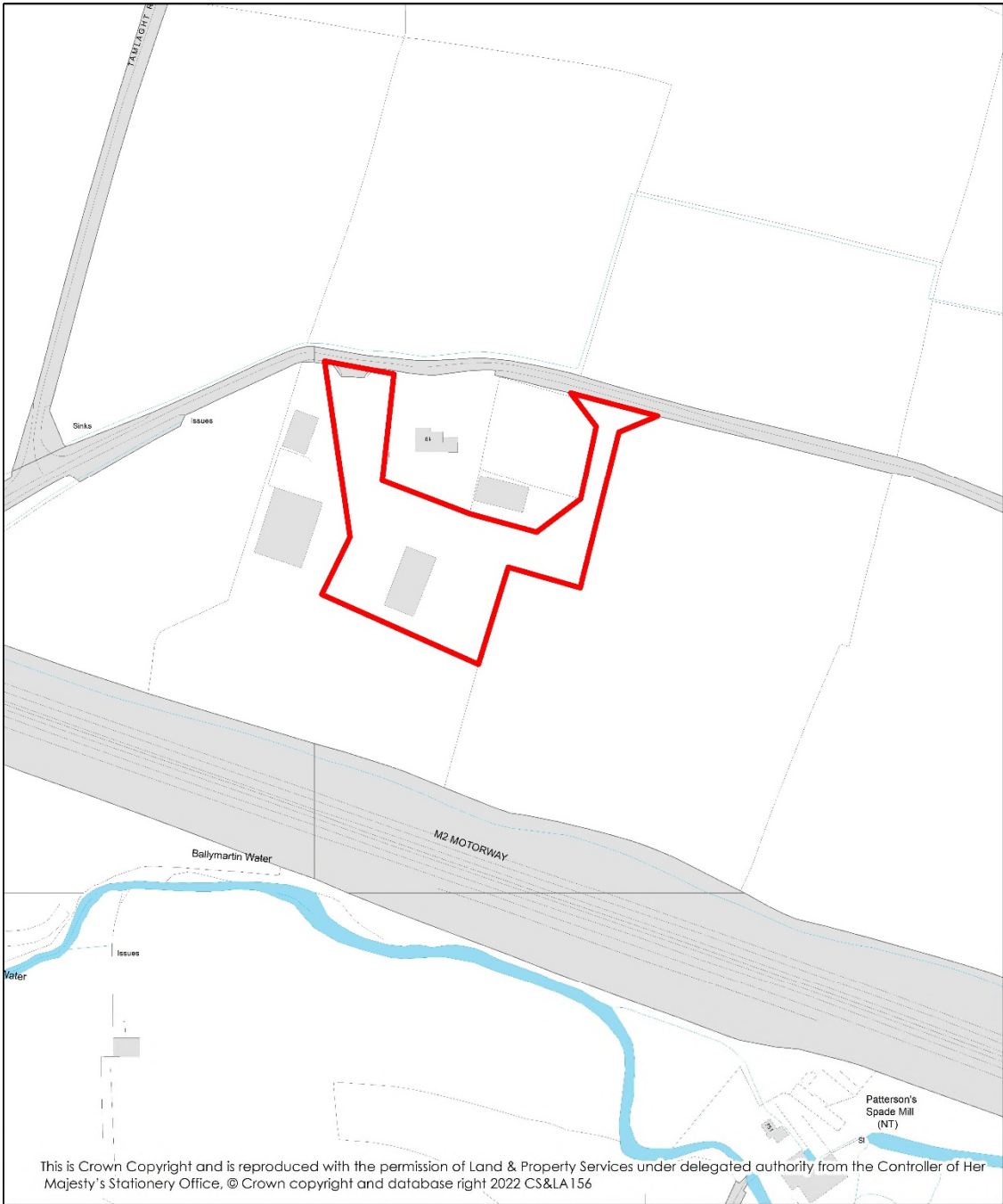
- The principle of the development is considered unacceptable and as such the proposal to vary condition 2 should be refused.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL


1. The proposal is contrary to the SPPS and PPS 4 in that Condition 2 of planning approval reference LA03/2016/0540/F was applied to permit a sole trader only operating on the application site in compliance with Policy PED 3 of PPS 4 and there are no overriding reasons to justify a variation of the condition to permit a relaxation of planning controls exercised in this countryside location.



Reference: LA03/2022/0466/F

Location: 17 Carnanee Road, Templepatrick, BT39 0BZ

Proposal: Retention of existing storage building for transport and distribution business (Variation of Condition 2 from approval LA03/2016/0540/F)

Scale: 1:2500 

 Site Location

