

COMMITTEE ITEM	3.01 ADDENDUM
APPLICATION NO	LA03/2021/0367/F
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	The progression of quarry faces, within the approved planning boundary of the existing quarry site, in a westerly direction
SITE/LOCATION	Lands at 140 Mallusk Road, Mallusk, Newtownabbey, lands directly east of 24 Bernice Road, Mallusk, Newtownabbey.
APPLICANT	James Boyd & Sons (Carnmoney) Ltd
AGENT	Quarryplan Limited
LAST SITE VISIT	16th June 2021
CASE OFFICER	Alicia Leathem Tel: 028 903 40416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation and publication of the Committee Report six (6) additional letters of objection have been received from four (4) properties, one of which was by phonecall. The full representations made regarding this proposal is available for Members to view online at the Planning Portal (www.planningni.gov.uk).</p> <p>A number of the concerns were raised within the additional letters of objection which included issues previously raised and covered within the original Committee Report, however, a number of additional concerns were also raised. One of the concerns relates to the threshold of the separation distances from nearby properties being 100 metres and not 250 metres. The 100m separation distance is the separation distance as recommended by The Vibration and Blasting Guidelines (NI). These guidelines were proposed by the Blasting Controls Working Group. The membership of this group was made up of representatives from the former DOE Planning Service, Health and Safety Executive, Environmental Health Officers, quarry owners and explosive experts. This recommended a ground vibration limit of 10mm/s, and air overpressure limit of 128 dB and a minimum separation distance of 100m for occupied properties outside the ownership or control of the operator.</p> <p>Reference was also made to a court case (Fishquarter Quarry vs Drennan) in which the courts awarded compensation for damages to a property caused by blasting at a nearby quarry. Whilst it is noted the detail of the aforementioned case is noted, the guidelines represent the industry standard in order to reduce the risk to nearby occupied properties. Furthermore the court case establishes that if damage is caused to nearby properties from quarry activities that occupiers may pursue the legal avenue to seek compensation in the event of any accident.</p> <p>Concerns were also raised relating to the considerations assessed under the EIA Regulations. An EIA determination has been carried out on this proposal and is available to view on the planning portal. The EIA determination was carried out</p>	

following consultation with a number of statutory and non-statutory consultees who raised no concerns with the proposal and as such the determination found that an Environmental Statement was not required. Additionally, reference is also made to the applicant previously objecting to a previous planning application for housing in the area (U/2010/0339/O) in which they stated that housing was incompatible with quarrying activities. However, the previous objections to the housing application do not prejudice the applicant's ability to apply for planning permission for an extension to their quarrying activities.

The occupant of No. 26 Bernice Road, highlighted that the original Committee Report indicated that their curtilage and garage was within 100 metres of the blasting area, however, the Committee Report indicated that they were approximately 100 metres away. For clarity, the dwelling at no. 26 Bernice Road is 100 metres away, however, the curtilage and garage are within 100 metres. It is considered that this does not conflict with the guidance set out in The Vibration and Blasting Guidelines (NI).

The recommendation to approve planning permission remains consistent as set out within the original Committee Report.

CONCLUSION

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

- The principle of the development is acceptable;
- The visual impact on character and appearance of the area is considered acceptable;
- The impact on neighbour amenity is considered not to be so significant as to warrant refusal of the application;
- There are no natural heritage concerns with regard to the proposal;
- There no significant concerns in relation to access, movement or parking;
- There are no flood risk or drainage concerns associated with this development;
- There are no significant concerns in relation to archaeology or built heritage.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Extraction of minerals shall be for a limited period only and shall cease on or before 1 year from the date of this permission.

Reason: To limit the duration of the development and provide the Council with the opportunity to review the permission in line with current legislation.

3. Within six months of the cessation of the approved quarrying operations or the exhaustion of permitted reserves, whichever occurs first, all quarry plant and

machinery, structures, buildings, foundations, scrap metal, disused vehicles and other waste materials shall be removed from the site.

Reason: To facilitate the restoration of the site.

4. No extraction shall take place below the levels indicated on Drawing No 04 date stamped 7th April 2021.

Reason: To limit the extent of the site and to facilitate restoration of the site.

5. The height of the stockpiles associated with this development, shall not exceed five metres above the level of the extracted quarry floor, except with the prior written approval of the Council.

Reason: In the interests of visual amenity.

6. The hours of operation for the development hereby permitted development shall be:

07:00 to 19:00 hours Monday to Friday
07:00 to 13:00 hours Saturday
Closed Sunday & Bank Holidays

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

7. The noise level at nearby sensitive receptors shall not exceed the predicted noise level (dB LAeq, 1hr) detailed in the table below during the phases of quarry activities associated with this development.

Noise Sensitive Receptor	Excavation of Mineral-start of excavation	Excavation of Mineral-end of excavation
NSR 1 - 8 Bernice Rd	46.5	42.3
NSR 2 - 15 Bernice Rd	42.4	43.6
NSR 3 - 21 Bernice Rd	40.7	41.4
NSR 4 - 26 Bernice Rd	40.8	41.7
NSR 5 - 24 Bernice Rd	47.9	45.1

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

8. All vehicles operating within the site shall be fitted with broadband reversing beepers.

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

9. During essential site preparation works and restoration work, a day time limit of 70 dB LAeq, (1 hour) shall not be exceeded when measured adjacent to the curtilage of the nearest noise sensitive receptor. This temporary raised noise level shall only be availed of for essential work bringing about longer-term environmental benefits to the site or its environs and are limited to 8 weeks in any one-year period.

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

10. The Council must be informed in writing of when working at a raised noise level of 70dB LAeq, 1h (as referred to in condition 9) will both commence and end. Temporary raised noise levels are limited to periods of up to 8 weeks in any one-year period.

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

11. All noise complaints received by the developer must be investigated and monitoring undertaken to demonstrate compliance with the noise levels stated within this approval. The results of any monitoring undertaken shall be forwarded to the Council within 4 weeks of being requested.

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

12. The operator shall, when requested in writing by Council, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, shall be made available to the Council. In the event that the levels specified in Condition 13 are exceeded at any blast then no further blasting shall be permitted until the Council is satisfied that these standards will be met in future blasting operations.

Reason: In order to safeguard the amenity of residents in the area.

13. Each blasting charge shall be so balanced that a peak particle velocity of 10mm/second and an air over pressure of 128dB is not exceeded at any occupied dwelling which is not part of the quarry operations. to any blasting taking place the occupiers of No. 24 Bernice Road, Mallusk shall vacate the premises.

Reason: In order to safeguard the amenity of residents in the area.

14. Prior to any blasting taking place the quarry operator shall ensure that the occupiers of No. 24 Bernice Road, Mallusk have vacated the premises until the blasting has ceased.

Reason: In order to safeguard the amenity of the residents.

15. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the operator.

Reason: In order to safeguard the amenity of residents in the area.

16. All neighbours within 400m of the blast and owners of adjacent agricultural lands shall be notified at least 3 days in advance of any upcoming blasting dates and times.

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

17. During the operational lifespan of the quarry extension hereby permitted the operator shall implement the dust mitigation measures as outlined within the Dust Management Plan, Document No. 05, date stamped 6th September 2021 and the Section 1.6 of the Dust Impact Assessment, Document No. 03 date stamped 3rd February 2022.

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

18. The operator shall respond to & investigate any dust complaints received in accordance with Section 6.0 'Dust Action Plan', within Document No. 05 date stamped 6th September 2021. The results of the investigation and the proposed mitigation measures will be agreed in writing with the Council and thereafter implemented.

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

19. Within four weeks of the date of this decision notice a groundwater monitoring plan shall be provided in writing and agreed with the Council. The monitoring plan should include the monitoring locations on a plan of the site, the monitoring frequency and the parameters to be monitored (including groundwater level).

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

20. No material shall be imported onto the site for infilling without the prior written approval of the Council.

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

21. All final rock faces shall be left with a series of benches and the quarry floor and series of benches shall be sowed out with soil and wildflower mix as indicated within Document 01 date stamped 7th April 2021.

Reason: To ensure the restoration of the site.

22. In the event of operations ceasing in advance of the exhaustion of approved reserves and there is no quarrying activity within the site for a continuous period of 6 months or upon the exhaustion of approved reserves, whichever is sooner, a restoration scheme shall be completed in accordance with the restoration scheme details stipulated within Document 01 date stamped 7th April 2021.

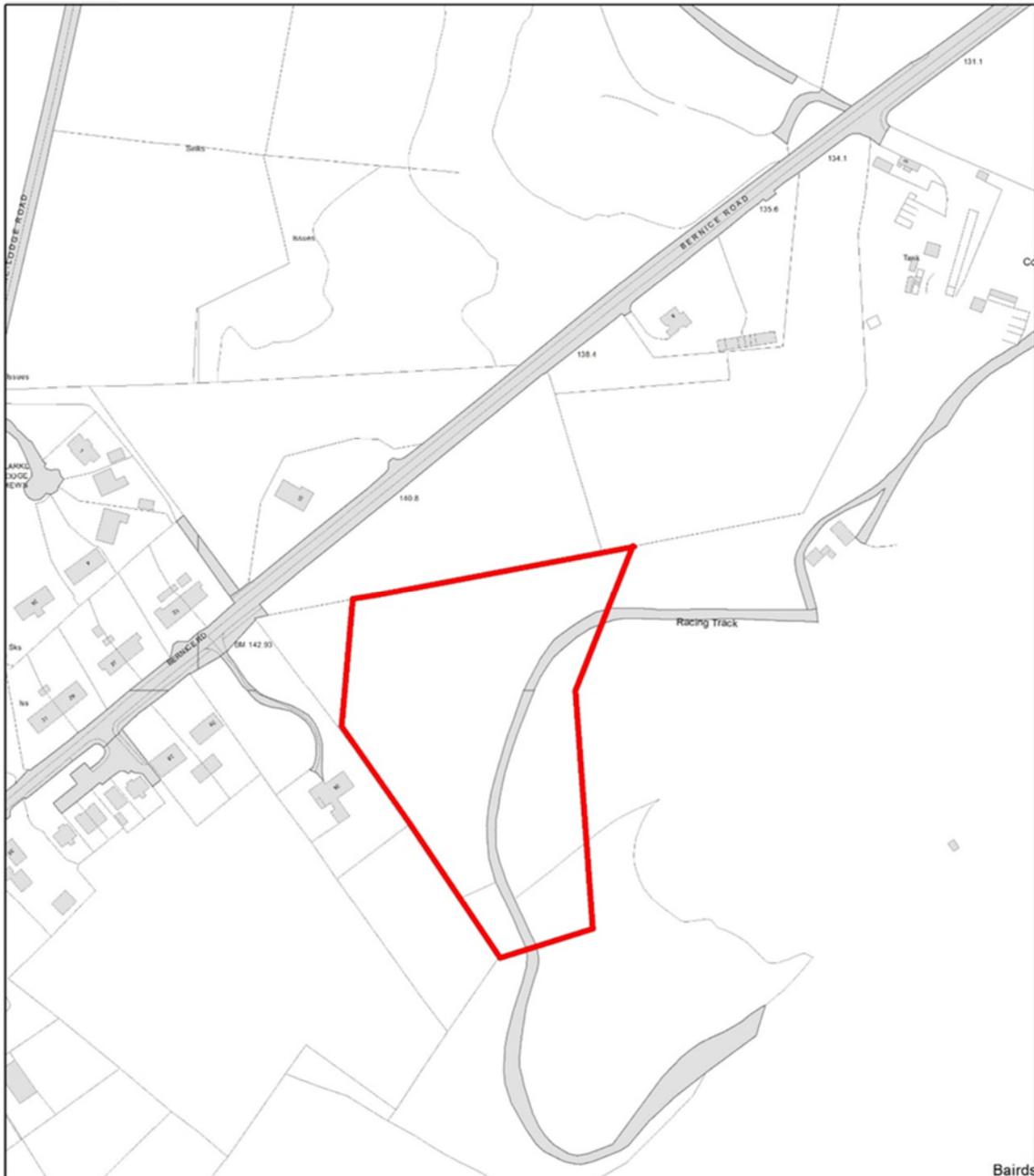
Reason: To ensure the restoration of the site.

23. The existing natural screenings of the site along the northern, northwestern and southern boundaries shall be retained at a minimum height of 6 metres for trees and 4 metres for hedgerow 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: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.



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Site Location Plan

Application Reference: LA03/2021/0367/F

Lands at 140 Mallusk Road, Mallusk, Newtownabbey & lands directly east of 24 Bernice Road, Mallusk, Newtownabbey

The progression of quarry faces, within the approved planning boundary of the existing quarry site, in a westerly direction



 Site boundary



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2021/0628/F
DEA	MACEDON
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed residential development comprising a mix of 76 no. dwellings and 35no. apartments with public open space, children play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Rathcoole Drive (111 units in total).
SITE/LOCATION	Former Newtownabbey High School, Rathcoole Drive Newtownabbey.
APPLICANT	Apex Housing Association Limited
AGENT	Turley
LAST SITE VISIT	08/10/2021
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: kieran.oconnell@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation and publication of the Committee Report the applicant has submitted an amended community benefit offer (Doc 20/1) with regard to the loss of open space. The amended proposal is available for Members to view online at the Planning Portal (www.planningni.gov.uk) and summarised below.</p> <p>Further to consultation with some DEA members the applicant has amended their community benefit offer by uplifting the monetary offer from £35,000 to £55,000. As the previous community benefit offer was considered acceptable to Officers the enhanced offer is also considered acceptable as outlined in the main report.</p> <p>The amended offer by the applicant is summarised below along with details of the social housing model which APEX apply..</p> <p>Community Benefit</p> <ul style="list-style-type: none"> • The delivery of social housing in an area of live and pressing social housing need is, in itself, a community benefit. The scheme as designed will deliver 103 social homes for those most in need as well as 8 affordable homes; • The development will provide high quality open space provision and a children's play park costing approximately £64,500 to serve prospective residents and the wider community; • A contribution of £55,000 is offered to support the enhancement of existing open space in the local context; and 	

- The Association has and will continue to invest in the community in other ways such as supporting local sports clubs and apprenticeships during the construction phase of the development.

Social Housing Model

The proposed development is for 103 social housing units and 8 affordable housing units. NIHE grant funding is obtained for approximately 50% of the development costs. The remaining 50% is borrowed on private finance based on a 35-year financial return model.

Using a 35-year cash flow, taking into account rental income and allowing for certain financial assumptions, social housing schemes of this scale typically break even between years 25 – 30. Assumptions include management and maintenance costs, such as voids and bad debts, major repairs such as boilers at 15 years and kitchens at 20 years, and windows, doors and bathrooms at 30 years, with boilers again at 30 years. One assumption that hasn't been factored into the current 35-year cash flow but is inevitable is retro fitting to reduce carbon emissions and achieving future NZEB requirement.

The applicant advises that at present, taking account of the sale of affordable homes and the rental income from social homes, the 35-year cash flow for this scheme is showing a cumulative break-even point of year 34. As referenced above, the surplus capital needs to be carefully managed in light of anticipated future retro fitting in line with Net Zero ambitions/requirements.

The applicant, Apex Housing Association are a registered charity and the driver for this development is the delivery of homes for those in need. Whilst the scheme must be financially viable, APEX indicate that this scheme is not financially motivated as the financial model (35 year return and year 34 break-even point) demonstrates.

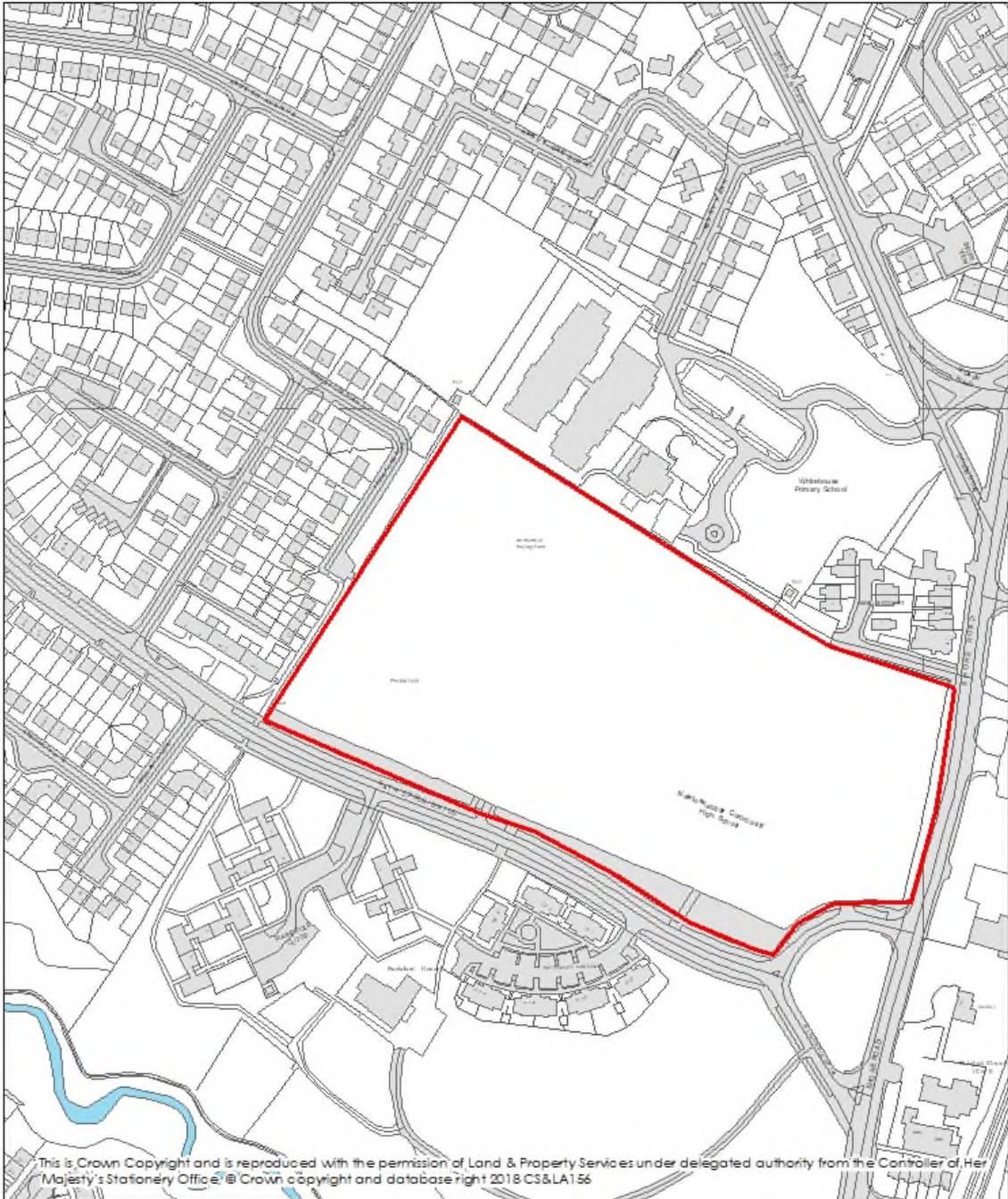
CONCLUSION

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

- The principle of the development is considered acceptable.
- The design, layout and appearance and density is considered acceptable;
- There are no significant neighbour amenity concerns.
- The proposal has been designed to achieve sufficient parking, a satisfactory road layout, and promote personal safety.
- There is no significant flood risk associated with this development.
- The archaeological, natural or built heritage concerns with the proposal have been addressed.
- There are no significant Impact on Trees Protected by Tree Preservation Order.

RECOMMENDATION

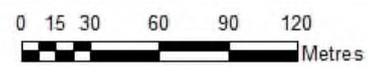
GRANT PLANNING PERMISSION



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Site Location Plan

Application Reference: LA03/2021/0628/F



Proposed residential development (111 units in total).

 Site boundary

Former Newtownabbey High School
Rathcoole Drive
Newtownabbey



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2021/0972/F
DEA	AIRPORT
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE FULL PLANNING PERMISSION
PROPOSAL	Change of use of dwelling to religious meeting room with associated parking
SITE/LOCATION	36 Ballyrobin Road, Templepatrick, BT39 0JH
APPLICANT	Neil Cooper (Trustee)
AGENT	Jackie Milliken
LAST SITE VISIT	11th November 2021
CASE OFFICER	Ashleigh Wilson Tel: 028 903 40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation and publication of the Committee Report, the agent has submitted additional information to the Council's Planning Section on 18th March 2022, which included a statement in response to the Committee Report. This includes a copy of an earlier submitted supporting statement, a statement from the applicant explaining their needs in relation to how their church, the Plymouth Brethren Christian Church, and congregation gather for worship along with a copy of the Agent's speaking notes for the March Planning Committee meeting.</p> <p>In relation to the new information submitted, the agent listed the following alternative properties within the settlement of Templepatrick that were considered: Templepatrick Masonic Hall, which is not for sale; Templepatrick Library which is not for sale and has leasehold restrictions: Templepatrick Baptist church, which is not for sale; and a vacant dwelling at the airport roundabout, which has a dangerous entrance. The agent stated the list did not include sites within the nearby settlements that could not be purchased as they were taken up by domestic housing developers, well beyond the applicant's budget. The agent added there are no other designated zoned lands for a community use within the Antrim Area Plan 1984-2001 which was for available.</p> <p>The agent also states there are no sites available within the settlements and when looking at available properties outside the settlements the subject property meets all the applicant's requirements. No information to support this statement was submitted. The agent adds that the congregation have shown the need for a meeting room in the local area by their letters of support. The location of the application within the rural area of Templepatrick is a necessary community facility to serve the local rural community in compliance with Policy CTY 1 of PPS 21.</p> <p>As stated in the original Committee Report, the supporting document indicates a map showing the location of the congregation members who would use the facility</p>	

and this highlights that members of the Church would be travelling through and past other existing settlement limits such as Parkgate to access the facility. There is also limited details with regards to availability of suitable sites within Parkgate or other nearby settlement limits.

The supporting information demonstrates that the congregation members are relocating to the rural area and existing facilities within the urban area are being sold. While the supporting information identifies a local rural catchment area located within a short travel distance it does not demonstrate this is a necessary community facility to serve the local rural population. It is considered that it has not been demonstrated why this development is essential in the rural location and could not be located within a settlement.

CONCLUSION

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

- The principle of development is considered unacceptable;
- It is considered a dwelling on this site will not have a detrimental impact on the character and appearance of the area; and
- The proposal is not considered to result in adverse impacts on neighbouring properties as a result of the proposed access arrangements.

RECOMMENDATION : **REFUSE FULL PLANNING PERMISSION**

PROPOSED REFUSAL REASON

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

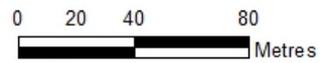


Site Location Plan

Application Reference: LA03/2021/0972/F

Change of use of dwelling to religious meeting room with associated parking

36 Ballyrobin Road
 Templepatrick
 BT39 0JH



 Site boundary

