

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2024/0704/S54
DEA	THREE MILE WATER
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Variation of Condition 7 from planning approval LA03/2022/0726/F regarding submission of landscaping scheme).
SITE/LOCATION	Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey.
APPLICANT	Kenmark No 2. Ltd
AGENT	TSA Planning Ltd
LAST SITE VISIT	16 January 2025
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: Alicia.leathem@antrimandnewtownabbey.gov.uk
The 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/application/692647	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Since the preparation of the Committee Report, additional information has been received including an additional letter of objection and a consultation response from the Council's Environmental Health Section (EHS). The additional letter of objection includes a number of supporting documents relating to the issues raised.</p> <p>A concern was highlighted regarding the time parameters of the neighbour notification over the holiday period. Following a request from an objector additional time was afforded for the submission of additional information, notwithstanding this, all information received by the Planning Section regarding any proposal is given due consideration up until the point where the application is determined.</p> <p>Concerns in relation to the impact on the health of horses was considered within the full Committee Report, however, the most recent objection includes details from what appears to be a vet associated with the ongoing care of the horses and a copy of the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids published by DAERA. The information in relation to the welfare of the horses includes a breakdown of dates when the animals were visited and information as to the state of health of the horses and external environmental factors.</p> <p>Consultation was carried out with the EHS who indicate that landscaping is not relied upon as a noise mitigation measure and that an acoustic barrier of 2.1m height is located along the northern boundary of the development. The acoustic barrier is conditioned to be double boarded overlapped construction with no holes or gaps and a surface weight of at least 6kg/m³. Additionally EHS indicate that lighting impact from road vehicles is outside EHS remit, however, it is noted that the acoustic barrier will screen lights from vehicles up to the height of the acoustic</p>	

barrier (2.1m). EHS go on to indicate that the Artificial Light Assessment previously submitted, Document Number 15 date-stamped 06 Mar 2019, does not rely on landscaping as a mitigation measure and states that the vertical lux levels meet both the pre and post curfew levels for Environmental Zone – E2, in line with the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light.

EHS conclude that the noise and artificial light impact assessments previously submitted do not rely on landscaping as a mitigation measure. Thereby the reduction of the landscape buffer at this section will not give rise to a more significant level of noise or light nuisance.

The most recent letter of objection also included an email from what is assumed to be a landscape architect which in summary provides details of the ground conditions within the landscape strips abutting the objector's property and the suitability of the plants and soil. As indicated within the full Committee Report the ground preparation is an issue for the landscape contractor carrying out the planting and fundamentally should be in accordance with the planting specification on Drawing 01A dated 19th December 2024 and as detailed within the Landscape Management Plan.

Details in relation to information provided on previous applications regarding the development do not form part of the current assessment, the statutory publicity requirements of neighbour notification and advertisement have been carried out and the opportunity for representations to be made on the current proposal has been provided.

Other concerns in relation to the width of the watercourse and the visual implications of the reduction of this section of the landscape buffer were considered within the full Committee report.

CONCLUSION

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

- The principle of development is acceptable; and
- The amendment to the wording of condition 7 is acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS:

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

Reason: Retrospective permission.

2. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No. 03, date stamped received 12th October 2018, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used

for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

3. If during the development works unexpected contamination or risks are encountered works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

4. After completing the remediation works under condition 3 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council.

This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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.

5. Within 8 weeks of this decision the 2.1-metre-high acoustic barrier as indicated in Drawing No. 01A date stamped received 19th December 2024 shall be completed in full.

The acoustic barrier shall be of double boarded overlapped construction with no holes or gaps and the surface weight shall be at least 6 Kilograms per square metre.

The acoustic barrier shall be maintained and retained for the lifetime of the development.

Reason: In order to provide the necessary sound reduction required to preserve the amenity of existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

6. All floodlighting approved herein shall be erected and operated in accordance with the Doc: 15 "Artificial Lighting Assessment, Distribution Centre, Doagh Road Ballyearl Newtownabbey", date stamped received 6th March 2019.

Reason: In order to preserve amenity at existing residential properties at No's 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

7. All soft and hard landscaping incorporated within Phase One on Drawing Nos 01A and 02A date stamped 19th December 2024 shall be completed in full within the next available planting season following the date of this decision.

All soft and hard landscaping incorporated within Phases Two and Three as shown on Drawing Nos 01A, 03A and 04A date stamped 19th December 2024 shall be completed in full prior to the occupation of any unit within each respective phase.

The landscaping works shall be carried out to the appropriate British Standard or other recognised Codes of Practice. If any tree, shrub or hedge or other landscaped area is uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass of the same species and size as that originally planted shall be planted at the same place, within the next available planting season unless the Council gives its written consent to any variation.

Reason: In the interest of visual amenity, to ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of promoting bio-diversity.'

8. The landscape areas as indicated on the stamped approved Drawing 01A, 02A, 03A, 04A date stamped 19th December 2024 shall be managed and maintained in accordance with the Landscape Management Plan, DOC 01A received on 19th December 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 the successful establishment and ongoing management and maintenance of all landscaped areas in the interests of visual amenity and the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

9. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

10. A final Construction Environmental Management Plan (CEMP) associated with the development approved herein shall be submitted to and agreed in writing with the Council by the appointed contractor within four weeks of this decision.

The (final) CEMP shall include a Construction Method Statement (CMS) reflecting and detailing all mitigation measures set out in Doc: 27 'Works to Watercourses', date stamped received 15th March 2019, and to include the methodology for the abandonment works set out at point 8 of that report.

The (final) CEMP shall reflect all the mitigation and avoidance measures to be employed as identified in the outline CEMP, Doc 06, date stamped received 12th October 2018, approved herein and to include the specific measures for the use, care and attention of oil and chemicals as set out on page 14 of the outline CEMP.

The (final) CEMP shall include confirmation of the appointment of the Environmental Clerk of Works and the roles and responsibilities of that employment posting.

The final CEMP, including the CMS, shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing with the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of any European designated site.

11. Within four (4) weeks of a written request by the Council following a noise complaint from an occupant of any dwelling on Doagh Road abutting the site the operator of Unit 4 shall, at their expense, employ a suitably qualified and competent person to assess the level of noise emissions from Unit 4 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 two weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

12. Within six (6) months of the use of Unit 4 coming into operation the operator shall, at their own expense, employ a suitably qualified and competent person to assess the level of noise emissions from Unit 4 at existing residential properties abutting the site.

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 two (2) weeks in advance of the date of commencement of the noise monitoring.

Reason: To ensure Unit 4 is operating in accordance with the predicted mitigated night-time rating levels identified in Figure F of Doc 07: Outward Sound Level Impact Assessment and as referred to at Section 5.2 of that assessment and in the interests of the residential amenity of existing residents at Nos. 610, 612, 614, 616, 618, 620, 624 and 626 Doagh Road.

13. There shall be no more than 18 HGVs and 10 car movements per hour along the Unit 4 Northern Access Road during the Night-time period (23:00 to 07:00 hours).

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

14. Servicing/loading/unloading of HGVs shall be restricted to the southern façade of Unit 4 during the Night-time period (23:00 to 07:00 hours).

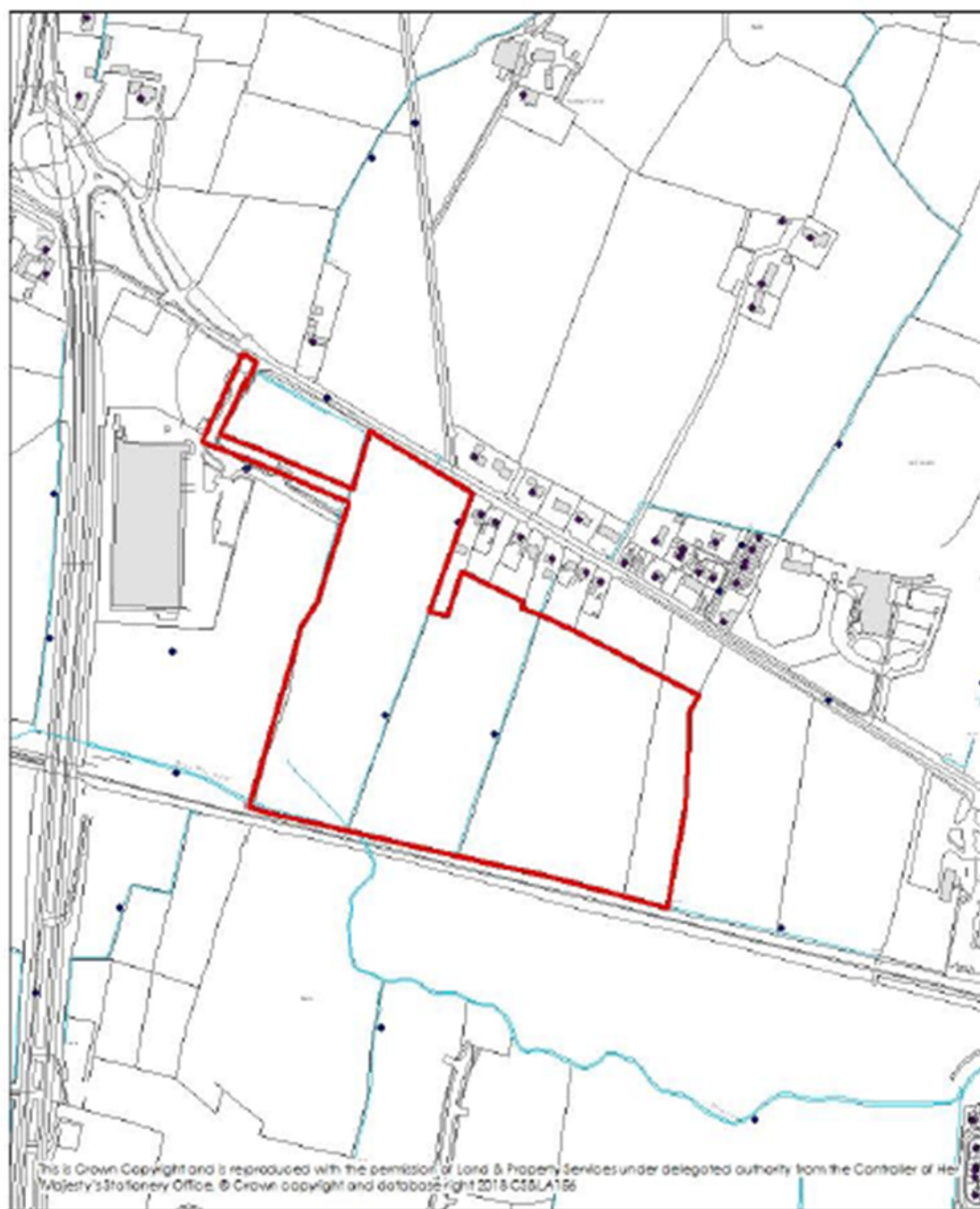
Reason: In order to protect night time amenity at nearby sensitive receptors.

15. There shall be no servicing, parking or storing of HGV's for Unit 4 as indicated in the areas shaded on "Drawing Number 02/1" date stamped "Planning Section received 14 Sep 2022" during the Night-time period (23:00 to 07:00 hours).

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

16. The rating levels at nearby sensitive receptors shall not exceed those stated in Table 1 Section 2.6 of the Lester Acoustics report stamped 'Document Number 01', date stamped '10th October 2022' at the identified receptors.

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



Location Map

Application Reference: LA03/2024/0704/S54

0 140 280 Metres

Site Boundary



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2023/0045/F
DEA	ANTRIM
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	2no. single storey dwellings
SITE/LOCATION	20m East of 1 Nursery Grove, Antrim, BT41 1QT
APPLICANT	Mr E Cooke
AGENT	Big Design Architecture
LAST SITE VISIT	7 th March 2023
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk/application/666749	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>The agent submitted further information in an email dated 17th January 2025, which included an amended site layout and location plan (Drawing No. 01/3, date stamped 17.01.25). This drawing provides clarification that protected trees T30, T35, T38 and T39 are to be retained and do not require felling. The laneway has been altered again within this proposal and the protected group of holly trees G 29 and unprotected sycamore tree T28 are now retained.</p> <p>The layout and size of the dwellings remains unchanged and unprotected trees T43, T42, T41, G 37, G 36 and G 40 are to be removed. Compensatory planting of 4 no. extra heavy standard silver birch trees are proposed for the loss of these unprotected trees, which is considered acceptable given the nature of these existing non protected trees. Despite the layout of the proposal remaining unchanged, protected tree T49, which is a 21m fair condition beech tree (as per the applicant's tree survey, Document 05 date stamped 28th August 2024) is now proposed to be removed. The applicant has proposed compensatory planting of 3 no. extra heavy standard beech and birch trees are now proposed to compensate the loss of this tree. However, there does not appear to be any overriding reason for the loss of this protected tree other than to accommodate the footprint of the dwelling.</p> <p><u>Amenity distances from protected trees</u></p> <p>The proximity of the protected trees from both House A and House B remains unchanged. Previous advice to the applicant/agent has advised that this distance is unacceptable in terms of amenity space provision. When sufficient distance is lacking, this limits the useable private amenity space and seasonal nuisances. Frequent remedial pruning would be required to attempt to create amenity distance. This is not in the best interests for maintaining the health of these trees. Guidance on good planning practice in relation to development and retained trees can be taken from the former Department's Development Control Manual, Annex D.</p>	

It is recommended that, as a rule of thumb, the amenity distance should be measured from the edge of the Root Protection Area (RPA) or the crown spread (whichever is greater) of the tree. This distance should be a minimum of 6m to front and rear elevations of development, and 3m to side gables. For larger and more heavily shading tree species, it is recommended that the amenity distance is increased to 10 or more meters. Trees also require space to mature into their natural form, and allowance for the projected full maturity of the subject trees without conflict, needs to be factored in to site design.

In the case of House A, the crown spread of protected tree T38 has no separation distance from the rear (eastern) elevation dwelling, with a portion of its crown spread extending over the dwelling. Protected tree T39 has a crown spread separation distance of less than 0.5m from the rear (eastern) elevation. The eastern elevation of the dwelling comprises windows serving principal rooms such as the family room and master bedroom. To the front (western) elevation, the crown spread of protected tree T35 has no separation from the dwelling and extends over the dwelling to the front elevation as well as the side (northern) elevation. The crown spread of T34 has an extremely short separation distance from the dwelling of approximately 0.2m, which is significantly below the 6m set out within the guidance.

In the case of House B, the crown spread of the protected group of trees G 51 has no separation distance from the side (eastern) elevation from the dwelling, with the crown spread extending over the dwelling. The eastern elevation contains a number of windows, some of which serve bedrooms. Along the rear (southern) elevation of the dwelling, the crown spreads of protected trees T45, T46 and T47 have a separation distance of approximately 2.2m, 3.8m and 5.m respectively. All of which are below the 6m set out in guidance. Protected tree T49, which is shown to be removed, would have a separation distance of approximately 1.5m from its crown spread to the rear elevation of the dwelling, if retained.

Access

Regarding the access, the agent has provided clarification that the existing earth bank abutting the Belfast Road will remain undisturbed. It is advised the visibility splays can be achieved by removal of ivy and chiselling of stone wall. The removal of ivy to provide the splays corresponds with DfI roads response.

Other Matters

Utility services are now detailed on the amended plan on the western laneway as to not overlap with the root protection area of protected trees.

The provision of site levels and location of protective fencing remain omitted from the plans. It is advised on Drawing 01/3 (date stamped 17.01.25) that the existing ground levels within the root protection area are to be retained.

Accordingly, while the amended scheme improves the position of some protected trees, there has been no change to the layout and design of the dwellings within the scheme. It is considered the proposal remains contrary to Criterion (b) of Policy QD 1

as it has an unacceptable impact upon protected trees, representing over-development of the site. The first refusal reason is therefore retained.

No ecological information has been submitted and the second refusal reason is therefore also retained.

CONCLUSION

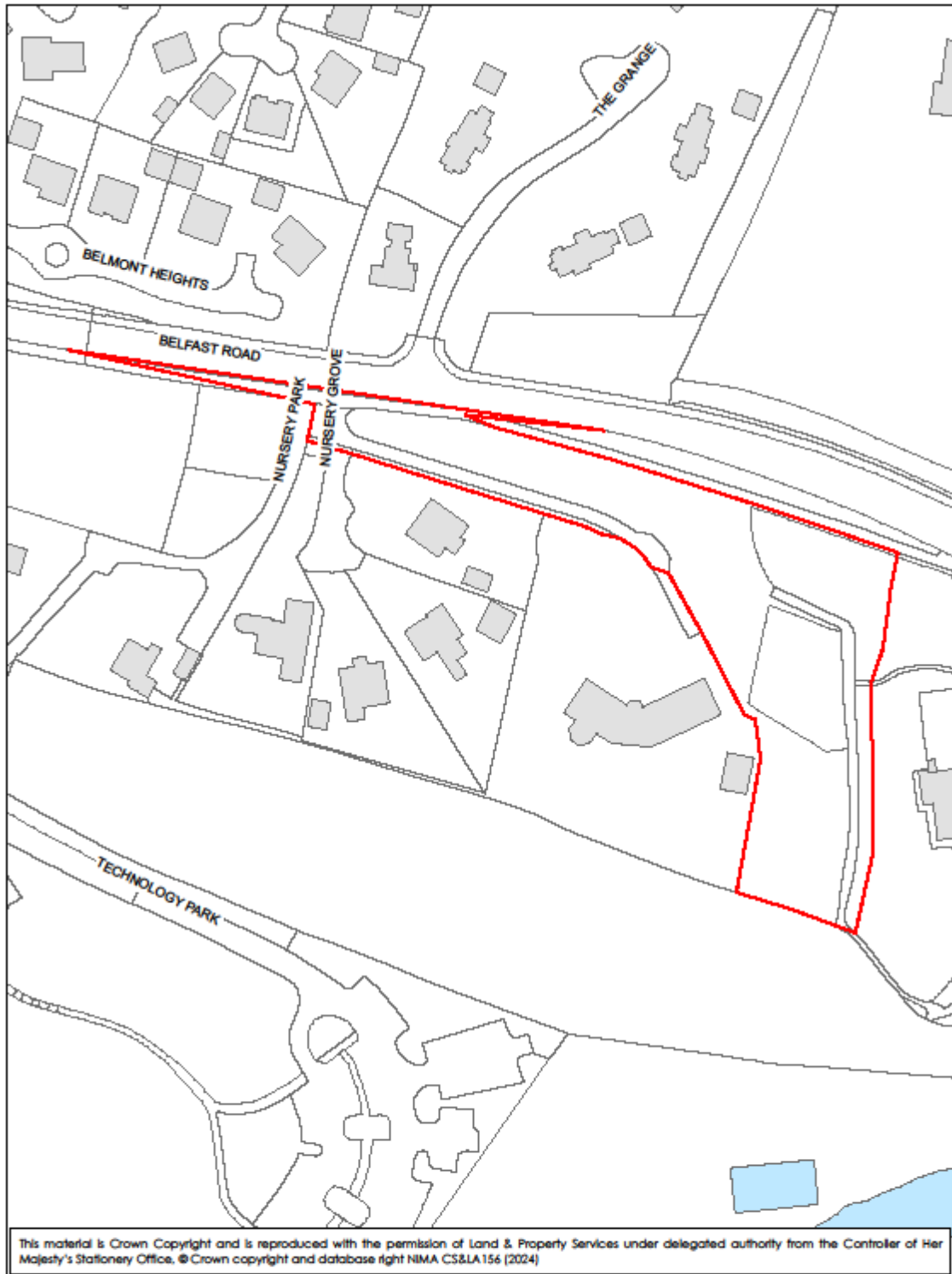
The following is a summary of the main reasons for the recommendation:

- The principle of the development is considered acceptable;
- It is considered that a proposed detached dwelling of an appropriate design and layout would not have a detrimental impact on the character and appearance of the area;
- The existing protected trees are adversely impacted by the development
- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- There are no concerns regarding road safety;
- The proposal is not unduly impacted by way of noise
- There are no concerns regarding impacts upon listed buildings;
- NI Water concerns can be addressed by way of negative condition;
- It has not been demonstrated that protected species are not adversely impacted by the development.

RECOMMENDATION	REFUSE PLANNING PERMISSION
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PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and criterion (b) of Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that the development does not appropriately protect and integrate existing landscape features, that being the existing protected trees, into the site
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy NH2 of Planning Policy Statement 2, Natural Heritage, in that it has not been demonstrated that the proposal will not detrimentally impact upon protected species.




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Site Location Plan

1:1,250

Reference: LA03/2023/0045/F

 Site Location

