

Title of Report:	Planning Committee Report – LA01/2018/0645/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd June 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2018/0645/F	<u>Ward:</u> Dunloy
<u>App Type:</u>	Full Planning	
<u>Address:</u>	Rosepark Farm 98 Bravallen Road Ballymoney	
<u>Proposal:</u>	Retention of open farm including gate, toilet blocks, reptile petting hut, site office, housing for open farm animals, children's play area, fairy garden, boating lakes/ponds. Replacement building to provide "wet weather" indoor play area, provision of existing pathways to facilitate access to open farm amenities and scenic walks around the farm. Use of an existing entrance/exit point to Rosepark Farm to be an entrance only, during seasonal operational/activities of Rosepark Farm (entrance point located to North side 96 Bravallen Road) and proposed exit only, during seasonal operations/activities of Rosepark Farm (located to the North side of 104 Bravallen Road, Ballymoney)	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 16.05.2018
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>
Agent:	Manor Architects	
Applicant:	Mr Seamus McAleese	
Objections:	5	Petitions of Objection: 0
Support:	0	Petitions of Support: 0

Executive Summary

- **Retrospective planning permission is sought for the retention of an existing open farm with some additional works proposed.**
- **The application includes agricultural land but is not submitted on the basis of farm diversification. The application has been considered as outdoor recreation in the countryside in line with Policy 0S3 of PPS 16.**
- **The proposal includes traffic control measures and signage to provide one way traffic and separate access / exit.**
- **Mitigation measures are proposed in the form of acoustic barriers and a berm to reduce /limit the potential impact on neighbouring properties from noise.**
- **The site lies on the periphery of the 1 in 100 year fluvial flood plain.**
- **The application includes an Environmental Noise Impact Assessment, Drainage Assessment, Transport Assessment Form and Preliminary Ecological Assessment.**
- **The proposal is considered acceptable in policy terms with regard to the key issues including: Principle of Development, Residential amenity and Environment , Flooding / Drainage, Access / Traffic, Impact on natural environment , Visual Amenity, Noise or Disturbance and Design.**
- **Letters of objection have been received in relation to increased traffic volume and nature of traffic (coaches etc), impact from traffic noise, impact on road structure, verges and vegetation, traffic mistakenly accessing neighbouring private laneways, safety and ownership.**
- **Approval is recommended subject to conditions.**

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

- 1.0 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The proposed site comprises a large irregular plot of land extending to approximately 25 hectares. The site is currently accessed from Bravallen Road via two existing vehicular accesses, one adjacent the northern boundary of No 96 Bravallen Road which is identified as access only and one adjacent the northern boundary of No 104 Bravallen Road which is identified as egress only. The site is extensive but does not incorporate any roadside lands and is set back from the public road. The application is retrospective and as such the site currently incorporates buildings and features associated with the proposed use.
- 2.2 The access comprises a stoned laneway which incorporates mature planting and agricultural land to either side and is traversed by an existing right of way which originally linked through from No 90 Bravallen Road but is now fenced off to the south-east of this property. The woodland areas also incorporates two small play parks, a fairy garden / walk, a picnic area and a zip line as part of the proposal. To the immediate north-east of the woodland is a large field identified for the rearing of birds comprising a number of containers and cages and on the opposite side of the access lane, a large car park laid out in hardstanding which includes a small hut serving as a reception / ticket office and a large elevated turning ramp utilised by the quad bike train. The car park is immediately adjacent an artificial lake / duck pond with adjacent playpark and existing wind turbine to the south-eastern extent.

2.3 The majority of existing structures on site are centred at two main locations. Firstly, at the applicants own dwelling and yard which includes a two storey dwelling, an existing agricultural building and a number of small temporary structures. These incorporate dog kennels, a small toilet block and area for new born animals. The yard area is used for the storage of machinery which includes vehicles used as visitor attractions.

A second area exists approximately 150m south-east of the applicants address and incorporates a number of buildings and structures centred around No 31 Bravallen Road which consists of a two storey disused dwelling and lean-to structures which are utilised as animal pens. The existing buildings include:

- A fairly large Dutch barn agricultural building which has been extended to front and back and sub-divided into three areas incorporating an indoor picnic area, a toy store and indoor play area and quarantine area for animals. This building includes bird cages to the eastern elevation.
- A single storey mobile structure adjacent the above building acting as a petting zoo for exotic animals.
- A single storey wooden structure utilised as a café / Tea room with playpark and barbeque area to the rear, including lean-to shelters.
- A small number of temporary site huts used for toilets and storage.
- A large grazing area to the rear of No 31 fenced off using various temporary structures which currently houses llamas and emus.
- A large additional building is also proposed adjacent the existing agricultural building to provide an indoor play facility which will include toilets, and a kitchen area serving food.

This area also includes a tricycle track and is linked to the yard at the applicants dwelling via a small path which includes a poly-tunnel.

2.4 The north-eastern corner of the site incorporates a second, large pond which is accessed via a gravel path and includes an artificial beach area. An additional picnic and play area is

located adjacent. The remainder of the site comprises agricultural land which is used for grazing a variety of animals including deer with a small number of shelters located within individual fields. Pathways within the site link the individual areas outlined above with the exit laneway taken from the southern extent of the site adjacent the existing wind turbine.

- 2.5 The site is located within the open countryside as per the Northern Area Plan 2016. The site is traversed by a watercourse, incorporates two water bodies and lies on the periphery of the 1 in 100 year fluvial floodplain and is also affected by pluvial ponding. The site is approximately 3km west of Main Valley Bogs SAC and is hydrologically connected to Bann Estuary SAC.
- 2.6 The character of the area is quite rural being accessed off a fairly minor rural road with the majority of development consisting of individual dwellings and small farm holdings. There are a number of existing residential properties within the immediate vicinity of the site with 8 unrelated dwellings adjacent the site perimeter.

3.0 RELEVANT HISTORY

D/2005/0587/RM – Construction of two storey dwelling.
Permission Granted 21.06.2006

D/2006/0162/RM - Dwelling and garage.
Permission Granted 23.08.2006

D/2010/0133/F - Extension of game farm & shooting enterprise by construction of new buildings & underground rifle range.
Permission Granted 24-02-2011.

D/2012/0045/F – Nordtank 150kw Wind Turbine, 30m Tower Height, 12.3m Blade Length.
Permission Granted 27-03-2013.

LA01/2018/0129/PAN - Retention of open farm including gate, toilet blocks, reptile petting hut, site office, housing for open farm animals, children's play area, fairy garden, boating lakes/ponds. Replacement building to provide "wet weather" indoor play area, provision of existing pathways to facilitate

access to open farm amenities and scenic walks around the farm. Use of existing entrance / exit point to Rosepark Farm to be an entrance only, during seasonal operation/activities of Rosepark Farm (entrance point located to north side of 96 Bravallen Road) and proposed exit only, during seasonal operations/activities of Rosepark Farm (located to north side of 104 Bravallen Road, Ballymoney).

Proposal of Application Notice Acceptable 22.02.2018

4.0 THE APPLICATION

- 4.1 The scheme is for the retention of the open farm including gate, toilet blocks, reptile petting hut, site office, housing for open farm animals, children's play area, fairy garden, boating and lakes/ponds. The application also proposes a replacement building to provide "wet weather" indoor play area, provision of existing pathways to facilitate access to open farm amenities and scenic walks around the farm. The existing entrance/exit point to Rosepark Farm is to be used as entrance while operational with proposed exit only from the access located to the North side of 104 Bravallen Road, Ballymoney.

Habitat Regulations Assessment

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Design & Access Statement

- 4.3 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.4 The design and access statement provides details of the design principles and concepts that have been applied to the

development and how issues relating to access to the development have been dealt with.

- 4.5 The report date received on 16-MAY-2018 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the location of the proposed development, the design and the impact on the character of the immediate context.

Environmental Impact Assessment

- 4.6 This proposal was subject to an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.7 This proposal is considered to fall within Category 12 (D) of Schedule 2- The carrying out of development to provide for theme parks. As part of the process to determine whether an Environmental Statement was required, consultations were carried out with the competent authorities.
- 4.8 Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and taking into account the above information, it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement. This determination was made on 10/09/2018.

5.0 PUBLICITY & CONSULTATIONS

External: N/A

Internal:

Shared Environmental Services – No objections.

DAERA

Water Management Unit; No Objections

Natural Environment Division - No objections.

NI Water: No objections.

DFI Roads: No Objection.

DFI Rivers- No objections.

Environmental Health Department: No objections

- 5.1 The proposal falls within the Major category of development and as such the applicant was required to carry out community consultation at least 12 weeks prior to the submission of the application.
- 5.2 A Proposal of Application Notice was submitted on 02.02.2018 under LA01/2018/0129/PAN. The applicant advised that that intended to undertake the following forms of consultation:
- A public event / meeting on 8-MAR-2018 in line with Regulation 5(2) of the Planning (Development Management) Regulations. This event to be held at Rosepark Farm.
 - Advertisement of the public event in five local newspapers.
 - Notification of a number of local elected representatives, including MLA's and Causeway Coast and Glens Councillors.
 - Notification of neighbouring properties within 250m radius of the proposal.
 - Flyers issued to local shops / community hubs.
 - E-mail address provided to submit comment.

Community Consultation Report

- 5.3 The community consultation report (CCR) was submitted as part of the planning application received on 16-MAY-2018 more than 12 weeks after the Proposal of Application Notice was received, as required by legislation.
- 5.4 It contains a copy of the methods of consultation carried out comments and feedback from the consultation exercise in the

local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

- 5.5 One public event was held on 08-MAR-2018 between 17:00 and 20:00hrs. Fliers were delivered to all premises within a 250m radius of the site and the event advertised in the local press on 22-FEB-2018. Invitations were extended to MLA's and local elected representatives.
- 5.6 In regard to the public event, opinions were recorded by means of a community consultation questionnaire. 11 responses were received. Feedback indicated concerns regarding traffic speed and traffic issues as a result of the existing access arrangements.
- 5.7 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where 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.
- 6.2 The development plan is:
 - Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

Regional development Strategy 2035.

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 15: (Revised) Planning and Flood Risk

Planning Policy Statement 16: Tourism

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal relates to the retrospective granting of permission for the existing use and works as well as permission for an additional large building to provide an indoor play area and access arrangements. The site is not within a designated settlement development limit and falls within the rural area. Part of the proposed site has been the subject of a previous application for the extension to an existing game farm and creation of an underground rifle range.
- 8.2 The application relates to the provision of facilities relating to Rose Park farm which is used as an open farm. The proposal does not fall within any specific use category as per the Use Classes Order and is considered a “sui generis” use. The main

planning considerations for this application relate to the principle of the scheme in terms of policy provisions under PPS21 and Policy OS3 of PPS8; and the provisions within the SPPS.

Principle of Development

- 8.3 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents above. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.
- 8.4 Policy CTY1 of PPS21 outlines the range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. Previous permission was granted in 2011 in relation to part of the proposed site for the extension of a game farm and shooting enterprise. Correspondence from the agent dated 28-3-2019 confirms that this planning permission has not been implemented by the applicant and no Certificate of Lawfulness exists to this effect.

Farm Diversification

- 8.5 The application includes the submission of a Planning Statement which outlines a number of policies which are deemed relevant. The Statement references Policy CTY 11 of PPS21 which relates to proposals for farm diversification. In order to establish that the proposal meets the first criterion of CTY11, evidence was requested to confirm that the application relates to a farm business which is both currently active and established. No such information was submitted and the agent has clarified in writing that while the proposal may not meet the specific requirements of Policy CTY11 as game farming is not considered agriculture but relates to a former holding.
- 8.6 As game shooting does not meet the definition of agricultural activity and as the proposal does not relate to a farm

diversification project relating to an active and established farm business, Policy CTY11 is not considered relevant.

Outdoor Recreation in the Countryside

- 8.7 PPS8 sets out the planning policies for, among other uses, the use of land for sport and outdoor recreation. Policy OS3 states that permission will be granted for the development of proposals for outdoor use in the countryside where all of the outlined criteria are met.
- 8.8 Criterion (i): “there is no adverse impact on features of importance to nature conservation, archaeology or built heritage”.
- 8.9 The site is not affected by known archaeological remains and is not within the proximity of any listed buildings.
- 8.10 The site is approximately 3km west of Main Valley Bogs SAC and is hydrologically connected to Bann Estuary SAC. The site incorporates a variety of agricultural land, existing woodland, is traversed by a watercourse and incorporates two large water bodies. In biodiversity terms the habitat quality varies, but the site overall would be considered of quite high quality. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.
- 8.11 Much of the proposal relates to the conversion and re-use of existing buildings focussed around two main areas within the site with the exception of the proposed indoor play area. The two lakes exist, and the agent has confirmed that the pond was constructed in 1998/1999 while the smaller boating lake was excavated around 2008. Aerial photographs would appear to confirm these works have been completed for some time. The creation of large water bodies requires substantial excavation and would have significant impact on habitat and biodiversity.

However they currently represent a habitat which appears to have been established for some time and to rectify the works could in itself create a greater impact on nature conservation that to allow them to remain. The remainder of the application generally relates to retrospective development which did not require the significant loss or removal of vegetation and which does not propose significant additional removal of vegetation or hedgerows currently on site. No additional lighting is proposed.

- 8.12 As part of the application a Biodiversity Checklist and subsequent Preliminary Ecological Assessment (PEA) have been submitted. The PEA is limited to only part of the overall proposed site, around the existing buildings and yard at No 31 and identifies the suitability of the habitats and features within this area for a number of protected species. In terms of bat roost potential only those buildings within the site which are to be removed were assessed and no signs of bat roosts were found. No survey has been carried out on No 31 which is a derelict residential building which could provide potential roosting areas for bats as the proposal does not incorporate removal of / works to this building. The PEA also does not include the existing water bodies as no works are proposed beyond that which exists. The submitted PEA identifies the impact of the development on NI Priority Habitats as being negligible with no loss of existing trees or hedgerows but does recommend that works are completed to best practice to prevent any impact from contamination of water.
- 8.13 Consultation has been carried out with DAERA (Water Management Unit (WMU), and Natural Environment Division (NED)) regarding the proposal. WMU has no objection to the proposal subject to adherence to proposed advice and adherence to Standing Advice and obtaining all relevant permissions. NED has assessed the submitted PEA and is content with the extent of the assessment and that the appropriate surveys have been undertaken. No concerns are raised regarding the proposal subject to the retention of existing trees and hedgerows as confirmed by the agent.

- 8.14 Criterion (ii): “there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities”.
- 8.15 The site covers an extensive area extending to approximately 25ha incorporating large areas of agricultural land. The application includes a masterplan which highlights a number of zoned areas within the overall site. Within the proposal existing areas of agricultural land are generally retained and utilised for grazing animals as a visitor interest such as deer and a small number of more exotic animals. The majority of existing agricultural land is not lost and the proposal is unlikely to impact on nearby agricultural activities in an unacceptable way.
- 8.16 Criterion (iii): “there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation or topography”.
- 8.17 The site is accessed off Bravallen Road which is a minor rural road comprising a number of individual dwellings and small farm holdings. The land within the site context is fairly level with no significant changes in topography. To the south-east of the proposed access point the character is generally defined by a small number of roadside properties to the eastern side of the road which are single storey and set within fairly mature formal gardens. These are interspersed with agricultural land which is mostly used for grazing. The opposite side of the road entirely comprises agricultural land. To the north of the access point a similar number of small roadside properties exist on the western side of the road while the eastern side comprises agricultural land with a number of dwellings set well back from the public road, a number of which are accessed via a separate shared access. The site itself, although considerable in size, is set well back from the public road. Although little roadside vegetation exists along some stretches of the public road, the subject site has virtually no visual presence from critical views along Bravallen Road due to the distance and extent of intervening mature vegetation.

- 8.18 Additional critical views also exist from the access to Nos 100, 100a and 100c which share a communal laneway as well as from the laneway serving Nos 90, 90a, 90b and 92a. A number of these properties either abut or are in close proximity to the site but are generally well separated from the main farm groupings and buildings which incorporate the majority of built development. The site itself comprises a significant degree of mature planting including hedgerows on most boundaries as well as additional hedgerows and woodland within the site itself. Overall the proposal is considered to have a very limited impact on the character of the local landscape and can be readily absorbed by taking advantage of existing vegetation.
- 8.19 Criterion (iv): “there is no unacceptable impact on the amenities of people living nearby”.
- 8.20 The application relates to the provision of an open farm which has the potential to impact on the amenity of nearby residents from noise, odour, traffic and general disturbance. The number of people attending the premises on a daily basis ranges between 103 - 216. The maximum number of vehicles is approximately 50. Information from the agent describes the proposal as seasonal with the busiest time being July and August. Separate information published in relation to opening times advises that the business operates full time over the Easter Holidays (seven days a week), weekends and bank holidays from mid-April to the end of June, seven days a week in July and August and weekends only during September. It also opens seasonally at both Halloween and Christmas. Based on this information the proposal operates in some capacity for approximately 8 months of the year, therefore any impact on residential amenity has the potential to be significant particularly as it relates to weekends and holiday periods. The application also incorporates an indoor play facility which extends to 18m x 27m. Although of a fairly large scale the proposed use of this building is ancillary to the primary use of the subject site as an open farm, is agricultural in character which is appropriate to the local area and is acceptable within the context of existing buildings. The use of this building can be satisfactorily conditioned as operating in conjunction with the primary use.

- 8.21 The two main groups of buildings within the site represent the main congregating points within the proposal and are generally reasonably well separated from existing residential properties. However, additional facilities and activities occur throughout the holding. The facilities at the applicants own address and yard comprises a picnic area as well as a “maternity suite” housing new-born animals. This area also incorporates machinery and vehicles which patrons can access, however this appears to be for display purposes only.
- 8.22 The pond and children’s play area are less than 100m from No 25 Burnquarter Lane while a zip-line is sited approximately 150m from No 100b and a fairy garden and picnic area within approximately 70m. Facilities such as the zip line and playpark have the potential to create a significant level of noise from patrons and particularly children including school groups etc. The applicant has confirmed that no motorised boats are used or proposed in relation to the existing pond and this can be satisfactorily conditioned to this effect.
- 8.23 The proposal also incorporates the use of a “quad train” comprising, small axel carriages towed by a quadbike, with at least on occasion, two of these operating at a time. The submitted zoning masterplan indicates the use of the quad train is restricted to areas 2 and 17 which would limit an unacceptable use within the remainder of the site. This operating area is within approximately 115m of the nearest unrelated residential receptor and although operating at low speeds the constant noise from the use of such vehicles operating seven days a week for a number of months of the year could potentially cause significant harm to residential amenity if not properly distanced and managed.
- 8.24 The applicant has submitted an Environmental Noise Impact Assessment (NIA) and subsequent Addendum which identify the potential noise sources and impacts at the nearest receptors. In terms of the quad train operation mitigation is indicated as necessary to reduce noise levels at the nearest properties and recommends the use of a berm formed from soil

and planted with grasses and hedgerow which will act as an acoustic barrier. The submitted plans indicate a berm approximately 60m east of the nearest dwellings. A condition requiring construction in accordance with the NIA is necessary and on completion will prevent the migration of unacceptable noise levels to the nearest residential properties.

- 8.25 The additional facilities located at No 31 have the potential to create significant noise levels centred around the tricycle track, petting zoo, zip-line, play park and barbeque area with additional odour from barbeques and the cafe. However, these are well separated from neighbouring properties by at least 250m and therefore the impact from these facilities is limited.
- 8.26 The NIA also highlights potential noise disturbance from the indoor activity centre which will potentially include amplified music. The proposed building will be of blockwork construction with insulated cladding and is separated from the nearest dwelling by approximately 230m. This element of the proposal is not considered to pose an unacceptable noise source subject to appropriate management.
- 8.27 Water based activities are restricted to non-motorised boating activities and do not pose a significant noise source. The adjacent children's play area is approximately 80m from No 25 Burnquarter Lane. The submitted NIA identifies this as requiring mitigation and proposes an additional acoustic fence along this part of the site boundary to reduce the potential for unacceptable noise levels. The zip-line is sited approximately 150m from No 100b and a fairy garden and picnic area within approximately 70m. Facilities such as the zip line have the potential to create a significant level of noise from patrons, however due to its singular use numbers would be restricted at any one time and is sufficiently separated from neighbouring properties.
- 8.28 The remainder of the on-site facilities comprises animal enclosures within the adjacent fields including birds, deer and llamas etc with extensive paths around the site.

- 8.29 The Council's Environmental Health Department (EHD) has been consulted in relation to the proposal and highlights the site area and proximity to residential properties. EHD reference the previous planning permission and queried whether this represented a material start in relation to this permission and also raise concerns regarding the potential for noise generating equipment or activities to detrimentally impact on residential amenity. The applicant has confirmed that any works carried out on site do not represent a material start on the previous permission. EHD has confirmed that they are content with the proposal and that it will not significantly impact on residential amenity subject to a number of proposed conditions restricting use etc.
- 8.30 In terms of the potential impact from traffic noise, although a large car parking area is provided within the site and considerably removed from any third party properties, the proposed access is immediately adjacent No 96 Bravallen Road while the exit is adjacent No 104. Due to the nature of the proposal there is the potential for a considerable volume of vehicular movements (including coaches) which could impact on these properties particularly as the proposal operates seven days a week during some periods of the year with peak visitor number in excess of 50 vehicles daily. EHD note that the proposed noise levels from traffic are within the upper external limit set with BS8233:2014. Given that predicted noise levels are close to the external target limit of 50dB suggested, EHD has recommended acoustic fencing be erected to reduce impacts on these two dwellings. The applicant has provided details of the necessary acoustic fencing at No 104 but is not provided adjacent No 96 at the owner's request.
- 8.31 Opening hours are confirmed as being 11am -5pm which can be satisfactorily conditioned to this effect and significantly limit the potential noise impact on amenity from traffic flow and general disturbance.
- 8.32 Due to the nature of the business and large site area there is potential for expansion or relocation of existing facilities and activities within the site, or the creation of additional facilities

which may be deemed ancillary. This could potentially introduce unacceptable levels of noise and disturbance within very close proximity of residential properties. However the provision of acoustic mitigation measures where necessary coupled with the fact that the applicant provided a zoning masterplan which designates specific areas for particular uses can be satisfactorily conditioned to prevent potential issues from arising.

- 8.33 In relation to the café, Advice Note DCAN 4: Restaurants, Cafes and Fast Food Outlets states that restaurants or hot food take away premises may be acceptable except where a number of criteria are met. The proposed café is not the primary use but rather is ancillary to the proposed developed as an open farm, however such proposals can raise issues in relation to noise disturbance, smells and fumes; refuse and litter etc. The proposed café currently operates from a modular building on site. There will be no impact on the privacy of existing neighbouring properties and odour and refuse can be satisfactorily managed. Environmental Health has not raised any concerns regarding the operation of the café.
- 8.34 Overall the proposal is unlikely to result in an unacceptable impact on the amenities of people living nearby and where mitigation measures are required these are proposed as part of the application.
- 8.35 Criterion (v) “public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed”.
- 8.36 The proposal is located within a large site area with separate ingress and egress points proposed. The site is well contained and has the potential to operate without significantly affecting other countryside uses. Access arrangements are deemed acceptable and safe as per DFI Roads.

- 8.37 Criterion (vi): “any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
- 8.38 Buildings on site comprise a variety of agricultural buildings and small modular buildings which are grouped around the existing farm buildings. The proposed indoor play area comprises a large scale shed approximately 18m x 27m constructed in blockwork and pre-fabricated panelling. The building is large in scale but redolent of a large agricultural building and as such would not be considered inappropriate in scale. It is located to the rear of the disused dwelling at No 31, is appropriately sited and can avail of existing boundary vegetation. Overall the buildings are considered acceptable.
- 8.39 Criterion (vii): “the proposed facility takes into account the needs of people with disabilities and is, as far as possible accessible by means of transport other than the private car”
- 8.40 Private vehicles are likely to make up the majority of means of transport to the proposal due to its rural location although groups such as schools will utilise private coaches. Disabled car parking is available. The buildings are accessible including disabled toilets, the topography is fairly flat and pathways exist around the site although these tend to be gravel and may provide some access issues for wheelchair users.
- 8.41 Criterion (viii) “the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.
- 8.42 The proposal has the potential to generate significant additional traffic including private coaches. The submitted information indicates up to 216 people in attendance daily including up to 200 patrons, the majority of whom will arrive by vehicle. The application provides limited opportunity for attendance by

means of walking or cycling and is accessed via a minor rural road. The application includes the submission of a Transport Assessment which outlines the nature and volume of traffic as well as predicted peak periods and times. DFI roads has been consulted and confirm that access arrangements are acceptable subject to the provision of necessary visibility splays at the proposed exit with the public road as well as the provision of hardstanding and directional signage within the site (as proposed). No objections have been raised regarding the capability of the public road network to satisfactorily accommodate additional traffic associated with this proposal.

Flooding / Drainage

- 8.43 The site lies on the periphery of the 1 in 100 year fluvial flood plain and is also affected by pluvial ponding. The site incorporates two large man-made waterbodies and is traversed by an existing watercourse as well as a number of small open drains along field boundaries. A Drainage Assessment (DA) has been submitted which states that the only appreciable change in site drainage is at the existing farm yard cluster to the eastern end of the site due to the additional proposed building. The DA identifies a modest additional runoff which will be directed to a soakaway on the applicants land. Rivers Agency has been consulted and advise that no infilling should take place within the fluvial floodplain as this would undermine its natural function and that a 5m maintenance strip should be maintained at the undesignated watercourse (which is achievable). Rivers Agency accepts the logic and conclusions of the DA and raise no objections to the proposal.
- 8.44 Foul sewer associated with the development is proposed to be discharged to a septic tank. Both NI Water and DAERA Water Management Unit have been consulted and no objections have been raised. In terms of waste the proposal will be subject to commercial refuse collection requirements.
- 8.45 Policy OS 5 of PPS8 relates to noise generating sports and outdoor recreational activities and states that such proposals will only be permitted where three specific criteria are met.

Criterion (i) relates to an unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses. This is assessed under Policy OS3 and subject to the necessary mitigation measures an unacceptable level of disturbance will not result. There are no identified noise sensitive uses within the area and in terms of the two remaining criteria it is unlikely that the current proposal would raise any significant issues.

Tourism

- 8.46 Tourism makes an important contribution to the Northern Ireland economy in terms of the revenues it generates, the employment opportunities it provides, and the potential it creates for economic growth. PPS16 adopts the World Tourism Organisation (WTO) definition of tourism which refers to all activities of visitors including both “tourists (overnight visitors)” and “same-day visitors”. Tourism encompasses a wide range of activities and duration, including weekend breaks and day trips. The current proposal would therefore be considered a tourism proposal.
- 8.47 Policy TSM2 of PPS 16 states that planning permission for new proposals will be granted for a tourist amenity in the countryside where it is demonstrated that: a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside, or b) the type of tourist activity in itself requires a countryside location.
- 8.48 The existing use and operation as an open farm cannot be considered as being a tourist attraction as it is not currently authorised in terms of planning permission. However the nature of the proposal as an open farm is the type of tourist activity which requires a countryside location and therefore meets the second policy test.
- 8.49 Policy TSM 7 outlines the Criteria for Tourism Development both in design terms (criteria a-f) and general criteria (criteria g-

o). The criteria are broadly in keeping with those of PPS8, as outlined above and are generally met.

Representations

- 8.50 Five objection letters have been received in relation to the proposal which raise a number of issues:
- Increased traffic volume and nature of traffic (coaches etc).
 - Impact from traffic noise
 - Impact on road structure, verges and vegetation.
 - Traffic mistakenly accessing neighbouring private laneways.
 - Safety
 - Ownership of the access laneway.
 - Designation of access laneway as one way.
- 8.51 In terms of the increased traffic and road safety this is assessed above and DFI Roads has raised no issues regarding the proposed access arrangements or impact on road network. The applicant is also liable for any damage caused to the public road as a result of extraordinary traffic generated by the development. Additionally the issue of traffic incorrectly accessing private laneways and any subsequent safety issues can be satisfactorily addressed through better management, advertising and signage.
- 8.52 The agent has been notified of the challenge to ownership of the access laneway which is indicated as being within the applicant's control. No response has been received clarifying this matter. Similarly the issue of ownership has arisen in relation to the laneway adjacent No 100a. Planning permission does not constitute ownership and where the applicant requires lands outside his ownership permission would be required from the relevant landowner. Objectors are aware of the issue and no prejudice is caused. In relation to demarcating the access as one way, DFI Roads has been notified of the objection and require that appropriate signage be erected as a condition of the proposal to control traffic flow related to the proposal.

8.53 DFI Roads has not indicated that the proposed one way access arrangements would apply to the objector or that the proposal would otherwise be unacceptable. This arrangement would not be legally binding in terms of the objectors use of the laneway but rather the erection of signage would be a condition of any permission which may be granted. This would not remove the right of the owner to utilise the access as they currently do and it is the applicant's responsibility to ensure he is control of the lands necessary to implement the permission so granted.

9.0 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme is compliant with current planning policy as highlighted above. The application will not result in an unacceptable impact on the amenities of people living nearby or natural heritage issues. Approval is recommended

10.0 Conditions

- 1 This approval is effective from the date of this decision notice and is issued under Section 55 the Planning Act (Northern Ireland) 2011.

Reason: Retrospective application.

- 2 The access gradients to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular accesses crosses footway, the access gradients shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

- 3 Within 8 weeks from the date of this decision notice all hard surfaced areas shall be constructed in accordance with the approved drawing No 10B bearing date stamp 18-AUG-2020 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.

- 4 Vehicular access to the site shall be in accordance with the details of the travel route plan No 13 which was received on 18-AUG-2020.

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

- 5 Signs shall be erected in accordance with the approved drawings No 10B bearing date stamp 18-AUG-2020 and No 12 bearing the date stamp 1-JUL-2019 to ensure control of traffic flow to, from and within the site.

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

- 6 The use hereby permitted shall only operate between the hours of Monday- Saturday 11am-5pm and Sunday 12pm-5pm

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

- 7 No motorised equipment shall be used on the lagoon or duck pond (zones 12 and 19) as indicated on drawing No 10B which was received on 18-AUG-2020.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

- 8 Only one quad bike with a sound power level (SWL) of no greater than 93.8dB(A) at source shall be in use on the site at any given time and will be operated solely for use with the children's barrel ride and on the track identified as zones 2 and 17 on drawing 10B which was received on 18-AUG-2020.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

- 9 A 3m high earthen bund shall be constructed within three months of the date of this decision between the quad track and the nearest receptors as indicated on drawing No 15A which was received on 15-MAR-2021. The bund shall be constructed in accordance with those details outlined in the Environmental Noise Impact Assessment received on 21-JAN-2020.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

- 10 Acoustic fencing shall be constructed within three months of the date of this decision along the shared boundaries as indicated on drawing No 15A which was received on 15-MAR-2021 and shall be constructed in accordance with drawing No 16 which was received on 03-DEC-2020.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

- 11 Only peddle operated equipment shall be permitted within Zone 14 as identified on drawing No 10B which was received on 18-AUG-2020.

Reason: To protect residential amenity

- 12 Vehicle speeds on the entrance and exits routes and within the car parking area shall be restricted to 25km/h (15mph). Speed limit signage specifying this limit shall be erected at these locations within the application site within three months from the date of this decision. Each sign shall not exceed 0.3 square metre in area.

Reason: In the interest of safety and to protect residential amenity.

- 13 No additional operations / activities which are open to the public shall take place within the site other than those identified on drawing No 10B which was received on 18-AUG-2020 without written consent from the Council.

Reason: To prohibit unacceptable operations / activities within the site and to safeguard the living conditions of residents in adjoining and nearby properties.

- 14 In the event of a justified 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 level of noise from the site at the complainant's property. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing. Causeway Coast and Glens Borough Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

- 15 No infilling or future development is permitted within the fluvial floodplain without the written consent of the Council.

Reason: To protect the natural function of the floodplain.

- 16 A 5m maintenance strip shall be provided to the undesignated watercourse which traverses the site. No impediments including tree planting, hedges, permanent fencing and sheds, land raising or future unapproved development shall be permitted within this area. Clear access and egress shall be provided at all times.

Reason: To protect the existing watercourse / drainage infrastructure and to ensure access is available at all times.

- 17 No trees or hedgerow vegetation on the application site shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees and hedgerow vegetation on site.

- 18 No proposed development shall take place on-site until the method of sewage disposal has been agreed in writing with NIW or a Consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

- 19 Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

- 20 Notwithstanding the provisions of Part 4 Class A to the Schedule to The Planning (General Permitted Development) Order (Northern Ireland) 2015 or any Order revoking or re-enacting that Order, no change of use is permitted to the development hereby permitted to Class A1 (shops).

Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).

- 21 The indoor play facility as shown on drawing No 02 which was received on 16-MAY-2018 shall be operated solely in conjunction with the outdoor activities hereby approved.

Reason: The proposal is granted solely in conjunction with the outdoor facilities approved under Policy OS 3 of PPS 8.

- 22 The indoor play facility hereby approved shall not become operational until the existing building shown in green on the submitted plan No 02 which was received on 16-MAY-2018 is demolished and all rubble and foundations removed in accordance with the approved plans.

Reason: To preserve the amenity of the area.

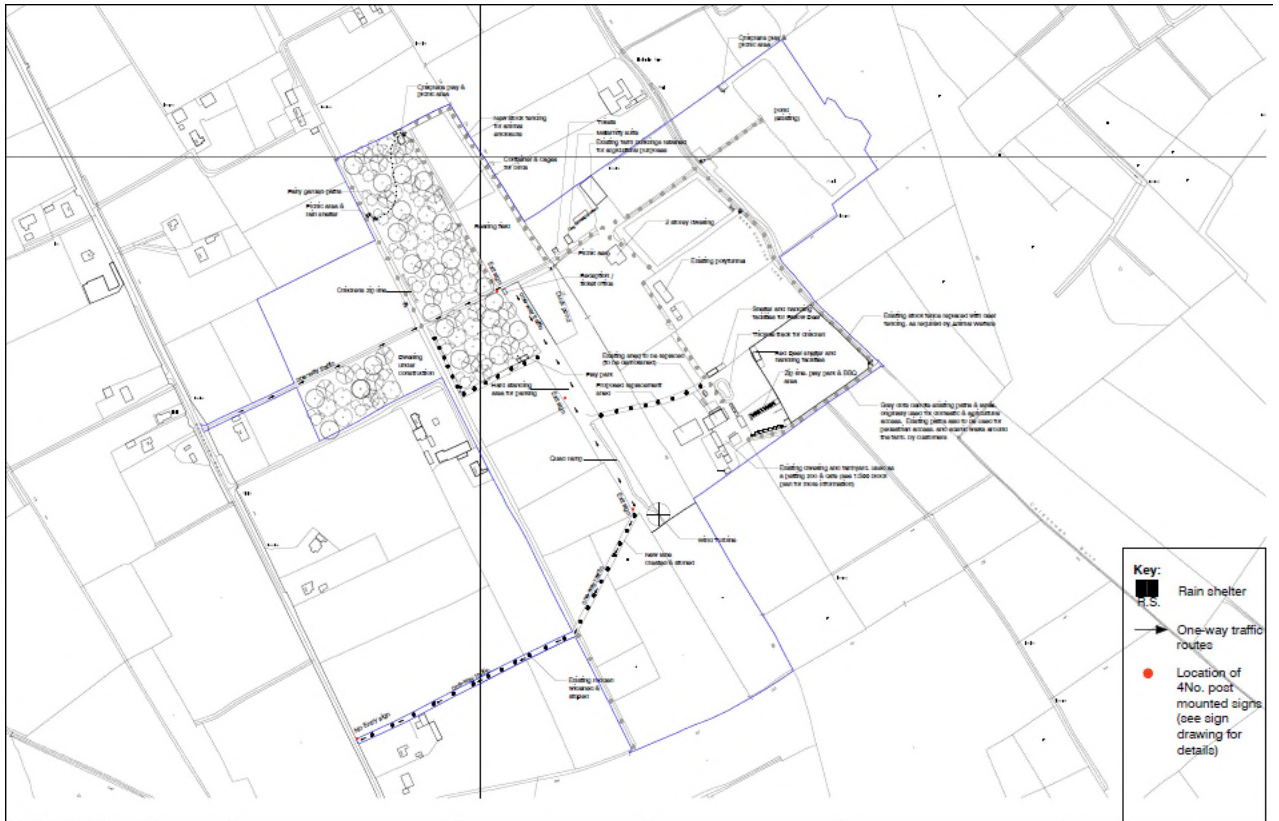
Informatives

- 1 This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- 2 This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 3 This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
- 4 This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
- 5 You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location Plan



Site layout plan



Erratum

LA01/2018/0645/F

1.0 Update

- 1.1 Bullet point two of the Executive Summary of the Planning Committee report states,

The application includes agricultural land but is not submitted on the basis of farm diversification. The application has been considered as outdoor recreation in the countryside in line with Policy OS3 of PPS 16.

This should state:

The application includes agricultural land but is not submitted on the basis of farm diversification. The application has been considered as outdoor recreation in the countryside in line with Policy OS3 of PPS 8.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Erratum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.