

Title of Report:	Planning Committee Report – LA01/2019/0337/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th May 2022
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:

No: LA01/2019/0337/F **Ward:** Dervock

App Type: Full

Address: Lands at 30 Glenlough Road and lands to the rear of 28 Glenlough Road, Ballymoney

Proposal: Retention of existing lockbox storage facility (40 no. storage containers and existing vehicular access point, provision of earth bunding with landscaped planting buffer on south eastern boundary and landscaped planting on south western boundary of established commercial site. (Site formerly used for hard stand for the sale and hire of leisure vehicles and head offices for Guard Force Security Ltd).

Con Area: N/A **Valid Date:** 03.04.2019

Listed Building Grade: N/A

Agent: M K A Planning, 32 Clooney Terrace, Waterside, Londonderry

Applicant: Mr Michael Blaney, 30 Glenlough Road, Ballymoney, BT53 7HB

Objections: 2 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- The application relates to the retention of a lockbox storage facility (40 containers) and existing vehicular access point, and the provision of earth bunding with landscaped planting buffers.
- The site is located within open countryside as outlined within the Northern Area Plan 2016.
- There is extensive planning history on the site including former uses Guardforce Ltd and Causeway Coast Camping Cars.
- The proposal relates to a change of use from a sui generis, business site to a B4 storage use.
- The redevelopment of business sites are only permitted in exceptional circumstances due to the greater impact on rural amenity and as employment generated is less significant.
- There have been no overriding reasons provided as to why this development is essential in this rural location and could not be located in a settlement.
- The scale, nature of the proposal and the earth bund landscaping arrangements are considered to impact on rural character and to not integrate into the surrounding area. The proposal is a prominent feature, reliant on new landscaping for integration which will take a significant time to develop. The design of the containers is inappropriate for the rural area.
- Additional information has been requested by DFI Roads in relation to visibility and culverting which has been requested and not received. It has not been demonstrated that the proposal would not prejudice road safety, provide adequate access arrangements or significantly inconvenience the flow of traffic onto a public road. Details in relation to developer led improvements have not been

submitted. These were requested from the agent and have not been submitted.

- There is impact on the amenity of neighbours from the location of the containers against the common boundary and due to the scale of the containers.
- Two objections have been received raising issues in relation to access arrangements, traffic, road safety, visual impact, noise, residential amenity, loss of view, privacy and property value.
- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations. The proposal is contrary to the SPPS, PPS 3, PPS 4 and PPS 21.

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

1 RECOMMENDATION

- 1.1 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 **REFUSE** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at lands at No. 30 Glenlough Road and lands to the rear of No. 28 Glenlough Road, Ballymoney.
- 2.2 On site is a lockbox storage facility comprising a number of storage containers, commercial buildings, vehicular access, bunding and vegetation planting. The site also encompasses No. 28 Glenlough Road, a residential property. Storage containers define the southwestern, southeastern and part of the northeastern boundaries of the site. Where the northeastern boundary meets the northern corner of the site, No. 28 Glenlough Road is sited. Access to the site is onto Glenlough Road which adjoins the site at the northwest boundary.
- 2.3 Earth bunding and vegetation planting are located along the southwestern and southeastern boundaries. A small strip of land is indicated within the site extending from the western corner of the site where it meets Glenlough Road, along the eastern boundary of the road to the south where it meets the A26. This area is a western field boundary of a field located to the southwest of the lockbox storage facility. To the east and north of the site are agricultural fields. The storage containers and No. 28 Glenlough Road sited along the northeastern boundary adjoin No's 26 and 26A Glenlough Road, both residential properties. Beyond these properties are three further residential properties.
- 2.4 The application site is located within the open countryside as defined in the Northern Area Plan 2016. The surrounding area is a mixture of agricultural and residential uses.

3 RELEVANT HISTORY

3.1 Planning history on the application site includes;

LA01/2017/1254/PAD – 30 Glenlough Road, Ballymoney – Proposed access, hardstanding, containers and earthworks for lockbox container storage business on existing commercial site – PAD Concluded

D/2010/0105/F – 28 – 30 Glenlough Road, Ballymoney – Amended design of previously approved office building on original footprint. 2600ft² of office space within single storey building. Also, approved access to Glenlough Road widened but in same location – Granted – 22.07.2010

D/2001/0377/F – Travel Lodge incorporating 25 bedrooms and ancillary accommodation, sales area for camping cars and office for Guardforce Security Ltd – Granted – 21.09.2001

D/2001/0220/F – 28 – 30 Glenlough Road, Ballymoney, Co. Antrim – Travel Lodge incorporating 25 bedrooms and ancillary accommodation, sales area for camping cars and office for Guardforce Security Ltd. – Withdrawn

D/98/0151 – 28 – 30 Glenlough Road, Ballymoney – Travel resort complex incorporating cinema, off licence and forecourt services – Withdrawn

D/95/0378 – 28 – 30 Glenlough Road, Ballymoney – Erection of travel lodge and offices – Granted – 07.05.1996

D/95/0036 – 28 – 30 Glenlough Road, Ballymoney – Erection of travel lodge and offices for Guardforce Security – Withdrawn

D/93/0242 – 28/30 Glenlough Road, Ballymoney – Change of use from domestic garden to hard stand for the sale and hire of leisure vehicles – Granted – 09.12.1993

4 THE APPLICATION

- 4.1 This is a full application for the retention of an existing lockbox storage facility, existing vehicular access point, provision of earth bunding with landscaped buffer on south eastern boundary and landscaped planting on the south western boundary.

5 PUBLICITY & CONSULTATIONS

5.1 External

Two letters of objection were received on this application.

The issues raised in the objection letters are:

- Business is a distraction for passersby and has potential to cause road traffic accidents.
- Visual aesthetics.
- Increased traffic – difficulty of access from Glenlough Road to A26 which is very busy.
- Very significant affect to safety for those living and using this junction.
- Noise – removal of previous trees and shrubbery around existing property and land has left the location very exposed, enough to more so hear and see the traffic on the very busy A26 Frosses Road. From people coming in and out of the site at inappropriate times and opening containers.
- Vibration
- Smell
- Fumes
- Loss of view
- Privacy
- Property Value
- Negative impact on appearance of their property.

5.2 Internal

NIEA WMU: no objections.

NI Water: no objections.

DFI Roads: additional information required.

Environmental Health: no objections.

DFI Rivers: objections

6 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:
- The Northern Area Plan 2016 (NAP)
- 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 Nature Conservation

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 4 (PPS 4) – Planning and Economic Development

Planning Policy Statement 15 (PPS 4) – Planning and Flood Risk

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development , visual integration/ rural character, Habitat Regulations Assessment and Access arrangements.

The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

Background

- 8.2 The site is located within the open countryside as designated within the Northern Area Plan 2016. There are no other designations on the site. However, the site is located in close proximity to the Frosses Road (A26), a protected route designated within the Northern Area Plan 2016.
- 8.3 The site has an extensive planning history which is relevant to establishing the principle of development and policy context in the case of this proposal.
- 8.4 Application D/1984/0189 relates to a historical approval for a change of use from dwelling to office block at 30 Glenlough Road, Ballymoney on 20th January 1986. There are no surviving drawings for this application and it has not been demonstrated that the permission is extant.
- 8.5 Application D/93/0242 was granted on 9th December 1993 for a change of use from domestic garden to hard stand for the sale and hire of leisure vehicles. The approved plans indicate the location of the site to the rear of No's 28 and 30 Glenlough Road. Towards the middle of the site is an existing vacant office, workshop and two buildings, one of which was indicated to be demolished and area for

proposed parking. At the rear of the site is a hardcored area with flags and plots for the display of vehicles.

- 8.6 D/95/0378 is for the erection of a Travel Lodge and offices. The size of the site under D/95/0378 is extensive, extending beyond the extent of the current proposal towards the A26, Frosses Road, to the rears of No's 22, 24, 26 and 28 Glenlough Road with No. 30 Glenlough Road demolished and to the land to the fields to the east. This proposal includes a hotel, shop, office for Guardforce, camping car storage and display, access roads, extensive hardstanding and landscaping and 162 parking spaces.
- 8.7 Two further applications were submitted on the site. D/2001/0220/F was withdrawn. This application related to Travel lodge incorporating 25 bedrooms and ancillary accommodation, sales area for camping cars and office for Guardforce Security Ltd. D/2001/0377/F was submitted with the same description as that of D/2001/0220/F and was approved on 24th September 2001. The layout approved under D/2001/0337/F is similar to that of D/95/0378.
- 8.8 D/2010/0105/F related to an amended design of previously approved office building on original footprint which included 2600ft² of office space within a single storey building. The access to Glenlough Road was also proposed to be widened in the same location. This application was approved on 22nd July 2010. The proposed layout was similar to that under D/95/0378 except with an amended access and the layout at the location of Guardforce offices altered. These alterations indicate the cessation of the camping car storage and display use.
- 8.9 LA01/2017/1254/PAD relates to a pre-application discussion regarding a proposed access, hardstanding, containers and earthworks for lockbox container storage business on existing commercial site. The submitted layout is similar to that under consideration within this proposal. Two existing commercial buildings are denoted on the site with containers located on site and along the southwest, southeast and northeast boundaries. Consultation was carried out under this PAD with NI Water, Environmental Health, DFI Roads and DFI Rivers.
- 8.10 A meeting was carried out under the pre-application discussion and the following information was provided:

- The agent advised that Guardforce had been operating the site and running a business until the applicants purchase of the site in December 2016.
- The agent advised application D/93/0242 for the sale of motor vehicles had been implemented then a part of the site was used by Guardforce by the digging of foundations for the shop but it was not used as a shop. No evidence of this was submitted under the PAD application.
- Agent advised both the sale of motor vehicles and security business were using the site at a time. No evidence of this was submitted under the PAD application.
- Agent advised that the existing landscaping had been removed the existing drain expanded on the site. However, there was an intention to pipe the drain and cover it up with the planting of a mixture of staggered willow/beechn trees to screen the site.
- Applicant advised the lockbox facility does not produce a lot of traffic, that two employees operate the site but are not based on site full time, all customers with storage containers have their own keys and can use the site as they please.
- Applicant advised there are other sites in Ballymena which is surrounded by residential properties and a site in Coleraine at the harbour.
- Applicant advised that properties are in close proximity to the business but the dwelling at the front of the site is rented out to a person not related to the business.

8.11 Supporting statements have been submitted by Mr Sam Barr, former Managing Director of Guardforce Security Ltd and owner of Causeway Coast Camping Cars. They advise that their premises was located at 28 – 30 Glenlough Road, Ballymoney. It advises that Guardforce 24hr UK headquarters operated solely from the site and employed 62 members of staff across the UK and Ireland. It advises that the site encompassed an office, communication command centre and secure large storage yard which was used to store lighting towers, security fencing, camera towers and various other heavy plant and equipment required for their security contracts. They continue that the site was used to store their fleet of company minibuses, vans, cars and trailers used by their 62 staff. The site was used as a gathering point for employees where they could safely store their cars while being transported by company minibus to carry out shifts at high security

government installations during the troubles. They confirm that during Guardforces 23 years of operation from 28-30 Glenlough Road that they operated 2 x 12 hour shifts over 24 hour period with the property manned and active 24hrs a day, 365 days a year.

- 8.12 Mr Sam Barr advises that in his role as owner of Causeway Coast Camping Cars that they operated a camper van sales, hire and storage facility from their premises located at 28 – 30 Glenlough Road, Ballymoney. During the period 1993 to 2021, the company used the site as a sales office and storage yard for the sale, hire and storage of customer camper vans. The business actively sold and offered camper vans for hire as well as storing camper vans for customers during the winter.

Established Use

- 8.13 The principle of development requires the establishment of the current use on site. A lockbox storage facility falls under use class B4 Storage and Distribution under the Planning (Use Classes) Order (NI) 2015.
- 8.14 The agent has advised that the sale and hire of vehicles was established on site through the approval of D/93/0242 on 9th December 1993. During a meeting on this proposal, the agent supplied photographic evidence showing the operation of this use on site which was submitted with the amended plans in 2021. This use was further highlighted through subsequent planning applications on the site which indicate this use. The supporting statement from Sam Barr highlights that this use operated until 2012. On the basis of this photograph, the planning history and supporting statement it is considered that this use did operate at the site. However, it has been highlighted within the supporting statement that the use ceased in 2012.
- 8.15 The use for sale and hire of vehicles is not a similar use to that of a B4 use. The description of D/93/0242 states the proposal as change of use from domestic garden to hard stand for the sale and hire of leisure vehicles. Planning Appeals 2011/A0021 and 2016/A0087 establish that car sales are a sui generis use and fall to be considered as retailing. Part 3, paragraph 4(h) of The Planning (Use Classes) Order (Northern Ireland) 2015 outlines the sale or display for sale of motor vehicles as a sui generis use.

- 8.16 In the agents supporting letter they state that they see little difference between the storage of large RV vehicles in the past and the current storage of shipping containers. The supporting statement from Mr. Sam Barr notes a storage element for the Causeway Coast Camping Cars business. However, it is clear from their statement that the operations associated with Causeway Coast Camping Cars are not solely that of storage. Given the range of operations associated with this business, it is considered that this premises would be a sui generis use.
- 8.17 There is no permitted development for a change of use from a sui generis use to a B4 use under The Planning (General Permitted Development) Order (NI) 2015. Therefore, the change from a site for the sale and hire of vehicles to a lockbox storage facility is a material change of use which would require planning permission.
- 8.18 It is noted that the site plan for D/93/0242 indicates a building as an existing vacant office used as office for new project. Other buildings include an existing workshop to be used for valet only and an existing building to remain with no use specified.
- 8.19 On the application form for D/95/0036 it is stated that Guardforce Security Ltd. And Causeway Coast Camping Cars currently occupy the site, they wish to expand their business. This is supported by the applicants details under this application and D/95/0378 which indicates both Causeway Coast Camping Cars and Guardforce Security at 28 – 30 Glenlough Road.
- 8.20 However, the approved applications following on from D/93/0242 D/95/0378, D/2001/0337/F and D/2010/0105/F do not appear to have been implemented.
- 8.21 Within the meeting notes for application LA01/2017/1254/PAD the agent advised that Guardforce were using a part of the site with reference to D/93/0242 and that foundations were dug for a shop but was not used as a shop.
- 8.22 A building control certificate has been submitted under this application with reference B/2006/0188. This relates to a shop and café at 30 Glenlough Road, Ballymoney and states that the commencement date of works was 20th September 2006 and that the foundations were inspected.

- 8.23 Confirmation was sought with Building Control regarding the detail of the drawings. It was advised that they related to a hexagonal building denoted shop, café and souvenir shop and related to just one building.
- 8.24 Application D/2010/0105/F post-dates this date of foundation inspection. This application relates to an amended design of the Guardforce building proposed under D/2001/0337/F and alterations to the proposed access. Application D/2010/0105/F was recommended for approval on the basis that the proposal was acceptable in principle and that the issue of whether or not a material start has been made does not materially affect the outcome of the application.
- 8.25 The Building Control notice indicates that foundations were poured for the shop and café and the Case Officer report for D/2010/0105/F does indicate that foundations were visible on site. However, it's not clear if the foundations noted are the same foundations for the shop and cafe. This still does not clarify what the shop was being used as instead of a shop as indicated by the agent in the PAD meeting. If the foundations observed on the site do relate to the shop and café then it indicates that as of 2010, four years after the laying of the foundations that the building was not operational. Furthermore it has been stated that permission D/2001/0337/F was not considered to be extant at the time.
- 8.26 Under the site visit for this application no foundations were observed on the site.
- 8.27 With regards to the commencement of development, the establishment of a lawful commencement has been determined through the planning appeal process to be through the submission of a Certificate of Lawful Use Development (CLUD) application.
- 8.28 There have been no CLUD applications submitted to demonstrate that D/95/0378, D/2001/0337/F and D/2010/0105/F are extant.
- 8.29 Under the meeting on this proposal the agent submitted information stating that Guardforce had used the site as its UK HQ for 23 years from 1993 – 2016. They go on to state that they operated from the commercial site 24 hours per day and it included offices, command centres for their communications network, radio communication towers, secure parking for company vehicle fleet and trailers, storage sheds for security installation equipment and towers with security

lighting and CCTV cameras.

- 8.30 The following use on the site is that of the lockbox storage facility to which this application relates. Given the nature of the Guardforce use, it is considered that the established use on site is sui generis use.
- 8.31 The arguments provided by the agent highlight that there was storage at the site. It is not disputed that uses with a storage element operated on the site. However, these uses have not been demonstrated to be the pre-dominate use on the site and would appear to be at most ancillary. This application is assessing whether a change of use has occurred which is on the basis of the established use at the site. The operations of a minor storage element does not justify this.

Principle of Development

- 8.32 The proposal is located in open countryside and relates to a change of use from a company headquarters/car sales (sui generis) use to a lockbox storage facility (B4).
- 8.33 Policy CTY 1 of PPS 21 directs to the assessment of non-residential development for industry and business uses in accordance with PPS 4.
- 8.34 The Preamble for PPS 4 states that for the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses. These uses are defined as the Class B1 – B4 uses for which the former use does not fit.
- 8.35 The Preamble continues that the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses.
- 8.36 Given the nature of the proposal and of the former use as business/employment orientated, the policy provisions of Policy PED 4 are considered to be appropriate.
- 8.37 Policy PED 4 relates to the redevelopment of an established economic development use in the countryside for industrial or business purposes.
- 8.38 Policy PED 4 states that: The redevelopment of an established storage or distribution site for continuing storage or distribution use will

also be permitted subject to criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.

- 8.39 Paragraph 5.18 under Policy PED 4 states that planning permission will not normally be granted for the redevelopment of existing business uses in the countryside for storage/distribution uses partly due to the greater impact on rural amenity which would result and because the employment normally generated by storage/distribution uses of a site is relatively less significant than it is for business purposes.
- 8.40 Question 25 of the P1 form submitted indicates that there are no staff or vehicles from staff at the premises daily. A total of 2-3 visitors/customers are indicated to visit the site daily with 1 goods vehicle weekly. The operations of this facility support this. The site is secured with the clients of the facility able to open the gates to the facility themselves 24 hours a day with no staff required on site. It is considered that the proposal does not provide a significant amount of employment at the site and the employment provided to be less than that of the former office use. The supporting statement from Mr. Sam Barr indicates that there were 62 members of staff employed across the UK and Ireland and that Guardforce 24hr UK Head Quarters operated solely from the Glenlough Road site. The change of use to the proposal indicates a significant reduction in employment opportunities at the site.
- 8.41 An exception is highlighted under paragraph 5.18 for small-scale proposals for storage and distribution use on part of an existing site used for industrial or business use or for redevelopment schemes involving an ancillary element of storage or distribution use provided in both cases the general policy criteria can be met.
- 8.42 The proposal replaces Guardforce as the existing premises on the site and takes up the entirety of the site. The proposed storage and distribution is not a small-scale proposal or an ancillary element. An exception has not been justified in these instances.
- 8.43 There have been no exceptional circumstances demonstrated to justify the change to the proposed B4 storage use and there has been no overriding reasons provided to demonstrate why this use is essential in this location and could not be located in a settlement. The proposal is considered to be contrary to the provisions of Policy PED 4

of PPS 4 and Policy CTY 1 of PPS 21 in this respect.

Rural Character

- 8.44 It is considered that the proposal has a great impact on rural amenity than that of the former use. Historical aerial photography indicates that the site was bounded by mature conifers along the southwestern boundary of the site. These trees reduced the visual impact of the site from Frosses Road. The mature conifers have been removed allowing uninterrupted views of the site travelling both east and west along the Frosses Road, as well as turning into the junction at Glenlough Road from Frosses Road and where Landhead Road meets Glenlough Road. The proposal comprises 40 storage containers. Upon initial site visit there were containers present which upon site visit which defined the boundary of the facility. Since this initial visit, the proposal has reduced the number of containers from 45 to 40 and the containers along the southwest boundary have been removed. The containers were formerly orientated lengthwise along the southwestern boundary and were indicated on the previous site plan to extend for approximately 69 metres. The containers along the southeastern and northeastern boundaries were orientated side-on to the boundary and extend for approximately 26 metres and 47 metres respectively. The containers along the southwest boundary were removed with a 5 metre working strip shown between the watercourse and the containers. Parking areas are now indicated on the location of some of the containers consisting of 5 spaces to the northwest and 4 spaces to the southeast.
- 8.45 Also internally within the site are two existing buildings. One located to the northwest, at the front of the site. The other located in the middle of the site and adjoining the internal containers. The latter of the two buildings has a pitched roof which has been an eaves height which sits at a similar height as the surrounding containers. Landscaping is proposed in three areas. To the south west and south east of the boundary containers, to the west of the containers along the edge of Glenlough Road and along the southern field boundary with Frosses Road.
- 8.46 There are two different types of container as a part of the proposal. The larger of the two containers has a length of approximately 12.2 metres, width of 2.45 metres and height of 2.6 metres. The smaller container has a length of approximately 6.2 metres, width of 2.5 metres and height of 2.6 metres. The containers are currently painted

a mixture of colours. However, it is proposed for all containers to be painted dark green to blend in with the planting.

- 8.47 Planting and landscaping includes tree and hedge planting and the provision of earth bunds. The planting proposed is a mixture of rowan, alder and hornbeam planted at 3 metre spacing between each tree. Tree size is indicated as a 80-100mm trunk circumference which equates to approx. 2500-3000mm in height. Hedge species include hornbeam, 80-100mm in height and planted at 5 per metre. Maintenance details are also provided. 1200mm post and wire fencing is also proposed.
- 8.48 Quickthorn hedge is proposed along the field boundary along Glenlough Road along with the existing hedging and proposed 1200mm post and wire stock fencing. Semi-mature sycamore and ash tree planting is proposed between existing mature poplar trees which are located on the boundary at Frosses Road. The Frosses Road boundary is not located within the red line of the site. Other lands under the applicant's control are indicated as an incomplete blue line which appears to be connected in with the extent of the dashed black line indicating the site approved under D/2010/0105 which encompasses the location of the sycamore and ash tree planting.
- 8.49 The earth bund is located to the southwest and southeast of the location of the containers. The southwest extent adjoins an open drain to the southwest of the containers and indicates that the open drain is to remain unaltered except where it is to be piped to allow the earth bund to be continuous and connect into the bunds to the southeast of the containers.
- 8.50 The bund elevations are not to scale but are indicated to be 3 metres in height on the site plan and elevations. The exposed face and top of the earth bund is indicated to be grassed and planted with low level ground covering shrubs to enhance natural screen buffer. The site plan indicates the bund is to be grassed to match the main field and indicates native species shrubs and tree planting to provide dense screening to the site. This is elaborated on as double, staggered row of semi-mature saux beech and ash tree planting at 3 metre centres to front of earth bund to form a natural buffer screen. It is noted that a section of the earth bund indicated falls outside the red line of the application site.

- 8.51 It is considered that there would be environmental benefits from the re-development in so far as the planting is an environmental solution to screening. However, in context the proposed planting is not considered to provide any environmental benefits as it is replacing vegetation which was removed from the site to facilitate the proposal. The proposed earth bunds are not considered as an environmental improvement from the proposal. The sudden change in topography from these bunds is out of character with the surrounding topography. As such they are considered to be incongruous and to be to the detriment of rural character.
- 8.52 The purpose of the bunds and this planting is to provide a screening effect of the containers. However, the proposal is reliant on the planting and bunds for integration and it will take a substantial amount of time for the planting to have any beneficial screening effect. The topography of the fields to the southwest and southeast sit lower than the site which emphasises the siting of the proposal. For much of the early life of the proposal the proposal will be prominent with views of the site towards the containers and 3 metre high mounds of earth surrounding the site. The revised plans show the containers along the southwest boundary to be removed. However, views are still possible towards the row of containers located to the northwest and southeast of the existing commercial building. The proposal does not integrate and is considered to be detrimental to rural character in this respect.
- 8.53 Given the scale and number of the containers and the spatial extent of the site, the painting of the containers is not considered to provide any significant degree of integration or make the visual impact from these containers and extent of the site acceptable. They are considered to appear incongruous in the landscape and to be inappropriate for the character of the countryside. The reliance on these containers for the operations of the business further justifies why this use is not appropriate for a countryside location.
- 8.54 It is considered that when the bunds are grassed over and disguised by the semi-mature tree planting to the front and the containers are painted that this would be sufficient for integration. However, given the reliance on these measures in their totality and the length of time for any vegetation to development, it is considered that the proposal will harm both rural character and the appearance of the local area.
- 8.55 Critical views of the site are from the A26 Frosses Road, the junction onto Glenlough Road from the A26 and on the approach and passing

the development and from the approach to Glenlough Road from Landhead Road. The A26 is the main thoroughfare from Ballymena to Ballymoney and is well travelled. Planting is proposed along the roadsides but again will take a significant amount of time to develop. Views are possible travelling of the site from both directions along the A26. The site benefits from the siting of the dwellings and garages and forested area to the northeast of the site which provide a backdrop for the development when viewed from the A26 travelling in both directions and the junctions entering onto Glenlough Road from the A26 and Landhead Road. The poplar trees indicated on the plans are located along the field boundary with the Frosses Road. However, the foliage of these trees is primarily situated at a height and travelling in a car, the views are lower down and under this foliage. The existing roadside planting interrupts views on the approach from either direction to such a limited degree that it is considered that the views are generally uninterrupted. The views from the approach towards the site from Landhead Road and from the junction of Glenlough Road heading northeast does not benefit from the limited screening provided by the poplar trees. As with the proposed planting adjoining the containers, the screening proposed along the boundary with Glenlough Road which would screen these views will take a significant amount of time to develop such as to have any screening effect of views.

- 8.56 The former Guardforce use on the site included a radio tower which projected beyond the height of the conifers formerly on the site. Beyond this, the Guardforce use was screened on site. It is considered that the visual impact from this radio tower is substantially less than the extent of the lockbox storage use and proposed ancillary works. The removal of the existing vegetation has opened up the site to the extent of views of the containers. The existing buildings on site are single storey and are retained. The height of the containers is lower than the existing buildings. However, it is both the length and number of containers proposed which gives rises to greater visual impact than the existing buildings due to the spatial extent of development on the site.
- 8.57 It is considered that given the harm caused to rural character and the appearance of the local area from the proposal from the scale of the containers, nature of the use and extent and nature of the screening works and that the increase in the site area from the redevelopment of the site to facilitate this use would not be proportionate.

Having regard to above, it is considered that the proposal is contrary to criterion (a), (b) and (d) of Policy PED 4 and criteria (j), (k) and (m) of Policy PED 9 of PPS 4, Paragraph 6.70 of the SPPS and Policy CTY 1 of PPS 21.

Residential Amenity and Noise

- 8.58 The surrounding land uses are agricultural and residential. The agricultural fields to the southwest and southeast are indicated to be in control of the applicant. It is considered that the proposal would not be incompatible with the surrounding agricultural land uses.
- 8.59 In relation to the residential uses. The proposal adjoins two dwellings, 26 and 26A Glenlough Road. Three further dwellings are located to the northeast of these properties. No. 28 Glenlough Road is located within the application site and notice has been served on the owner on the tenant.
- 8.60 The statement provided by Mr. Sam Barr outlines that Guardforce operated 24 hours per day with staff operating from the premises around the clock, offices, command centres, radio communication towers, secure parking areas for company vehicles and trailers, storage sheds for security installation equipment, towers with security lighting and CCTV cameras.
- 8.61 It continues that self storage has a negligible impact on residential amenity as customers rarely visit their storage units and with low numbers of daily visitors, there is minimal noise or traffic at any LOCKBOX sites.
- 8.62 Reference was made in the office meeting to a LOCKBOX premises operating in Ballymena which was surrounded by residential properties and had received no complaints. A statement was submitted outlining that the Ballymena, Coleraine and Ballycastle depots share boundaries with more than 30 residential properties, none of which have ever issued a residential enmity complaint or noise complaint during 14 years of operation. It was also noted that a 3 storey block of 20 apartments was approved and constructed in 2018 beside the Ballymena depot with no objections from the local planning division.
- 8.63 On the basis of the information submitted by the agent, the Guardforce use is considered to be comparable in that operations

were carried out 24 hours and access to the lockbox facility is possible 24 hours.

- 8.64 Environmental Health were consulted on the proposal. They advised that relevant planning history was granted under D/2010/0105/F for office accommodation at 28-30 Glenlough Road and they are unable to access this information which may be relevant due to noise/light pollution. This office building approved under D/2010/0105/F is far removed from the site, located on land to the southeast and a CLUD has not established whether this use is extant. Environmental Health also highlights the sale and hire of leisure vehicles use and the head office for Guardforce Security Ltd, the aforementioned is likely to have the potential for on-site noise generation due to associated traffic/vehicles movements. In their initial response they advised that there has been no supporting documentation submitted in relation to the proposal with relevance to the consideration of noise and light impacts. They advised that information relating to the evaluation of the impacts raised by the letter of objection from 26A Glenlough Road should be considered to be requested from the applicant. They also referred to their PAD advice on this proposal in relation to a noise assessment and lighting.
- 8.65 Following the completion of the Case Officers recommendation a Noise Assessment was submitted with comments on the reasons for refusal. The agent advised that there are no emissions, fumes or smells from the proposal and that the proposed use has been operational for two years without any objection and that it is compatible with adjoining land uses.
- 8.66 Environmental Health were consulted on the Agents Statement and Noise Assessment. They advised that from the predicted data presented within the Acoustic Report submission that it would appear to indicate that the rating level does not exceed background sound level, daytime. In relation to night time they advise that the rated level is exceeded above background sound level at one point. They have advised that to ensure the amenity of receptors are protected against adverse impacts and noise creep that they recommended a target noise limit condition. They have also recommended an hours restriction to prohibit night-time operations but advise of the former 24 hour use with vehicle movements associated with Guardforce Ltd. Conditions are provided in relation to noise and lighting.
- 8.67 On the basis of this response there are no concerns with any noise or lighting impacts. The issue with night time operations are noted.

However, a precedent has been set in relation to the time operations of the previous development. The conditions proposed could deal with these issues.

- 8.68 The proposed site layout indicates containers running along almost the entirety of the boundary with No. 26A. The impact on the residential amenity of No. 26A is not considered to be acceptable as the containers sit higher than the boundary fence of the property. Both container sizes have height of 2.6 metres and the containers run along the complete extent of the boundary. This is considered to be dominating to No. 26A as it creates a hemming in effect. It is accepted that previous vehicle parking associated with Guardforce could have been located at this boundary. However, the nature of the impact is considered to be different comparing vehicles to storage containers. It is acknowledged that both the vehicles and storage containers can be moved. However, the siting in association with the containers has a degree of permanence given their association with the storage operations. In this respect, the use is not compatible with surrounding uses.
- 8.69 Although the proposal extends from the front to the rear of No's 26 and 26A Glenlough Road, it is considered that there would not be any privacy issues from the proposal on these properties given the location of the containers against the boundaries, levels of the site, single storey nature of the containers and the existing boundary treatment which restricts views. Concerns for privacy relate to No. 28 Glenlough Road, the rear of which backs onto the site with users of the premises able to approach the property from all sides. It is acknowledged that No. 28 is within the ownership of the applicant. However, the residential amenity of the tenants of this property is a material consideration. The siting and height of the containers in relation to the boundary fence will No. 26A will create a degree of overshadowing but this is not considered to unacceptable as it is primarily over the garden of No. 26A. There are containers located at the boundary fence across from the gable of No. 26A but there are no windows on this gable and as such no overshadowing or loss of light. There are no loss of light or overshadowing concerns in relation to No's 26 or 28 Glenlough Road.
- 8.70 The proposal is considered to be contrary to criteria (a) and (b) of Policy PED 9 of PPS 4.

Natural or Built Heritage

- 8.71 There are no built heritage or archaeological features located on or in proximity to the site. No consultation with Historic Environment Division has been sought.
- 8.72 NIEA Natural Environment Map Viewer indicates that there are no protected areas, priority habitats or priority species on site. The closest designation to the site is Caldanagh Bog approximately 4.8 kilometres to the south east of the site. There are also two areas of peatland located close to the site but are not located on or adjoining the site.
- 8.73 The site adjoins an undesignated watercourse. This watercourse joins Ballymoney River which is 2.2 kilometres to the northwest. The Ballymoney River flows west to meet the River Bann which is connected to Bann Estuary SAC. The connection of the site to this designation is over a significant distance (18 kilometres measured directly) and the proposal is considered to be unlikely to impact on this designation.
- 8.74 The site has been developed since at least 1993 and there is no vegetation located on the site due to the removal of the trees along the southwestern boundary. The ground surfaces comprising the site is predominately hardstanding. The exception being the locations of the proposed landscaping which are located in the adjoining fields. Although the site is located beside a watercourse, there has been development in this location for a significant period of time. It is noted that a section of this watercourse is culverted where it reaches Glenlough Road. With regard to above and given the nature of a storage use and access to the site it is considered that there will be no impact on any natural heritage features from the proposal.

Access, Parking and Manoeuvring

- 8.75 Access is proposed via an existing vehicular access onto Glenlough Road.
- 8.76 DFI Roads were consulted and advised that they had no objection in principle but require a layout which addresses the points raised during the PAD process. They also advised they noted the objection received.

- 8.77 Under LA01/2017/1254/PAD, DFI Roads advised that they have no objection in principle to the proposal but the following would be required:
- The existing watercourse piped with a pipe size as agreed with DFI Rivers.
 - Visibility splays of 2.4 x 80 metres and erection of boundary fence at the back of the splay with side-filling all to the south west.
 - Details of the connection of the piped watercourse with the existing culvert, parapet walls, etc. to be agreed with DFI Roads Structures and Design Team.
 - Adequate parking/turning/servicing within the site
- 8.78 Following completion of the Case Officers report, amended plans were submitted showing the visibility splays, parking areas, separation distances between the containers and turning areas on the site.
- 8.79 DFI Roads were consulted on the amended plans and advised that the site has an open frontage of approx. 24m which needs to be regularised to indicate boundary treatment and provide access geometry in accordance with DCAN 15. They advised that the adjacent culvert is a road structure and DFI Roads require details of the work proposed or done to and in the vicinity of the culvert. They advised fully detailed engineering drawings were required to show this. They advised that the visibility splay to the south west requires widening of the existing verge and that cross sections drawings would be required. They advised that the red line may need to be adjusted to include the footprint of any required side slope.
- 8.80 The agent was contacted and asked to confirm if they wished to resolve the matters raised by DFI Roads. They advised that they consider that these matters could be conditioned.
- 8.81 As this application is retrospective, it is considered that these matters would be required to be addressed as a part of the application.
- 8.82 The agent advised that they cannot see why the road details cannot be conditioned if the principle is acceptable and requested the application is taken to the next Planning Committee for decision.
- 8.83 As these matters raised by DFI Roads remain unaddressed and raise matters of inappropriate access arrangements, they form a reason for

refusal under this application.

- 8.84 It is considered that the requirements of Policy AMP 2 and criteria (g) and (h) of PED 9 have not been met in that it has not been demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic, that suitable developer led improvements are proposed to overcome any road problems identified and that adequate access arrangements have not been provided.
- 8.85 Parking and turning areas have been highlighted on the amended site plan. No comment has been made by DFI Roads on these amendments. It is considered that on the basis of the operations of the use that the parking arrangements would be acceptable. On the basis of the space available between the containers the turning areas and movement within the site for vehicles appears to be acceptable.

Emissions and Effluents

- 8.86 The P1 form submitted indicates water supply is to be provided by mains, foul sewage is to be disposed of via mains and surface water via soakaways.
- 8.87 NI Water were consulted on the application and advised that the existing site is already connected to public water supply via a metered connection, there is no public foul sewerage network within the vicinity of the proposed development and the applicant proposes to discharge surface water to soakaways.
- 8.88 DAERA Water Management Unit were consulted and advised that they have considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions and the applicant noting the advice contained in the explanatory note.
- 8.89 The objector has raised matters in relation to smells and fumes produced by the development. These matters were acknowledged within the initial Environmental Health response and that additional information should be requested from the agent on these matters. The agent was advised that there were a number of issues raised by consultees (which includes the Environmental Health response) and if they wished to address any of these issues or to submit any further

information to justify the proposal to do so.

- 8.90 The agent has advised that there are no emissions, fumes or smells from the proposal. Given that the proposal relates to storage, it is considered that there could be potential for the storage of materials which give rise to smells. No information has been submitted to clarify what the nature of the requirements for storage at the facility is. However, it is considered that any potential nuisance from smells could be addressed through the operations and management of the premises.
- 8.91 The proposal is considered to be acceptable with regard to criterion (f) of Policy PED 9 of PPS 4.

Drainage Infrastructure and Flood Risk

- 8.92 Along the southwestern boundary of the site, adjoining the boundary location of the proposal is a watercourse.
- 8.93 DFI Rivers were consulted regarding the proposal and advised of the presence of an undesignated watercourse in this location and that the submitted drawings show a proposed earth bund adjacent to the watercourse on one bank and shipping containers are already present on the other bank.
- 8.94 They advise under 6.32 of Policy FLD 2 that a 5 metre maintenance strip is required and that it should be marked up on a drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development. Clear access and egress should be provided at all times. Emphasis is placed on land raising within the consultation response.
- 8.95 An amended site plan has since been submitted on the proposal which indicates an increase in the height of the earth bund from 1.5 metres to 3 metres high. The earth bund in both cases is to be planted with native species trees and shrubs.
- 8.96 An amended site plan was subsequently submitted which shows a 5 metre maintenance strip located on the northern side of the watercourse. This maintenance strip includes parking areas. However, as the parking will not create a permanent obstruction there are no concerns in relation to provision in this area. The bunds on the south

site of the watercourse persist. However, as there is space available on the northern side to facilitate maintenance the proposal is considered to satisfy provisions of Policy FLD 2 of PPS 15.

- 8.97 Policy FLD 4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalising operations, in either of the following exceptional circumstances: where the culverting of a short length of a watercourse is necessary to provide access to a development site or part thereof or where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.
- 8.98 Given that the culvert located to the northwest is related to the access, as highlighted by DFI Rivers and DFI Roads in their responses. It is considered that this culvert would fall under the exceptional circumstances of Policy FLD 4. Matters in relation to this culvert remain outstanding in relation to the DFI Roads response.
- 8.99 The site plan outlines that the culverting to the south east is to facilitate the earth bunds. There is a lack of available land for the establishment of boundary treatment directly adjoining the southwest of the proposal given the presence of the watercourse. Weighing this up along with the minor length of the culvert, the rural location, it is considered that the culvert could be accepted as an engineering reason for the culverting of the watercourse given the fall away of the land along the boundaries with the watercourse. The proposal is considered to satisfy Policy FLD 4 of PPS 15.
- 8.100 DFI Rivers have indicated that the site is not in the 1 in 100 year fluvial flood plain and that Policy FLD 3 is not relevant. As such, the proposal is not located in an area at flood risk and will not cause or exacerbate flooding.

Other Matters

- 8.101 It is considered that the layout is designed such as to deter crime and promote personal safety. The facility is secured at the front by gate with access to the premises via a fob. The facility is secure at the boundaries with the containers forming the exterior walls and in places connected by fencing to stop intrusion.

Habitats Regulation Assessment

8.102 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the provisions of the SPPS, Policies PED 4 and PED 9 of PPS 4, Policy AMP 2 of PPS 3, and Policy CTY 1, of PPS 21. The proposal is for a storage facility which planning policy advises is not a suitable countryside use unless exceptional reason have been provided. The application is within close proximity of Ballymoney settlement development limit and no exceptional reason has been provided for this countryside location. The proposal has a detrimental impact on rural character and fails to integrate into the landscape. DFI Roads issues relating to the access have not been addresses. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy PED 4 of Planning Policy Statement 4, Planning and Economic Development in that the proposal relates to the redevelopment of an established business site, for storage purposes and exceptional circumstances for this redevelopment have not been identified.

3. The proposal is contrary to Policy PED 4 of Planning Policy Statement 4, Planning and Economic Development in that the scale and nature of the proposal would harm rural character and the appearance of the local area and that there would be no environmental benefits as a result of the redevelopment.

4. The proposal is contrary to paragraph 6.70 of Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development fails to integrate into its setting.

5. The proposal is contrary to paragraph 6.91 of the Strategic Planning Policy Statement for Northern Ireland and Policy PED 9 of Planning Policy Statement 4, Planning and Economic Development in that it has not been demonstrated that the proposal is compatible with surrounding land uses and would not harm the amenities of nearby residents.

6. The proposal is contrary to paragraphs 6.77 and 6.91 of the Strategic Planning Policy Statement for Northern Ireland and Policy PED 9 of Planning Policy Statement 4, Planning and Economic Development and Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic onto a public road.

Site location Map



Addendum

LA01/2019/0337/F

1.0 Update

- 1.1 The above application was presented to the the August Planning Committee meeting, 25th August 2021 with a recommendation to Refuse. The Committee considered the application and disagreed with the Officer recommendation and sought to approve permission subject to the submission of amended plans. The plans were required to ensure all development was within the red line of the site and to ensure a safe and convenient access is provided in accordance with PPS 3 and DCAN15.
- 1.2 Following Planning Committee amended plans were submitted 8th September 2019 and consultation with DFI Roads was carried out. DFI Roads in their response, 28th September 2021, advised that the plans did not meet with the DCAN 15 standards. Amended plans were requested by the officer 29th September and a reminder sent 10th November. The agent submitted plans the 25th November 2021 and further consultation was sent to DFI Roads. DFI Roads still object to the access layout as shown and require further details to indicate boundary treatment and provide access geometry on accordance with DCAN 15. DFI Roads are concerned that the layout as shown would result in cars reversing onto the carriageway on the bend with the potential to prejudice road safety. They have asked that the access is restricted to one point as set out in the DCAN. They have advised that the matters relating to the roads structure at the culvert can be dealt with by way of a negative condition.
- 1.3 The plans also detail development outside of the red line and we have asked that this is also addressed.
- 1.4 The Planning Officer has requested the plans again from the agent on the 1st February 2022 and 26th April 2022. No correspondence has been received and as we are unable to hold applications

indefinitely, we are returning the application to Committee with the refusal reason set out below.

1.5 Refusal Reason:

The proposal is contrary to paragraph 6.77 of the Strategic Planning Policy Statement for Northern Ireland and Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic onto a public road.

2.0 Recommendation

2.1 That the Committee note the contents of this Addendum and agree to **refuse the application** for the reason set out above.