

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/1548/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24th January 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Referral by Cllr Maighread Watson &amp; Ald John McAuley</b>
<b>To be discussed In Committee YES/NO</b>	<b>No</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures, and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

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

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>N/A</b>

<b>Screening Requirements</b>	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	Screening Completed:	N/A	Date:

Assessment (DPIA)	DPIA Required and Completed:	N/A	Date:
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**No: LA01/2021/1548/F      Ward: Loughguile and Stranocum**

**App Type: Full**

**Address: 76 Fivey Road, Ballymoney**

**Proposal: Retention of structure to accommodate office, kitchen and storage facilities for the existing specialist glass business. The structure is ancillary to commercial use already in place.**

**Con Area: N/A    Valid Date: 13.12.2021**

**Listed Building Grade: N/A**

**Agent: Hastings Solicitors. 6a Charlotte Street, Ballymoney. BT53 6AY**

**Applicant: Lawrence Neill. 76 Fivey Road, Ballymoney.**

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

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

**Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk>**

## **EXECUTIVE SUMMARY**

- Retrospective planning permission is sought for the retention of existing structure to accommodate office, kitchen and storage facilities for the existing specialist glass business. The structure is ancillary to commercial use already in place.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable under the SPPS and Policies PED3 and PED9 of PPS4.
- It has not been demonstrated that the extension of existing buildings on site is not possible and the proposal does not respect the design and materials of the original buildings on site.
- the proposal is of an inappropriate design and impacts on rural character.
- Sewerage serving the development has not been the subject of relevant consent.
- NIEA raises concerns that the development may be likely to harm protected species and adversely impact priority habitat and insufficient information has been submitted to indicate otherwise.
- There are no objections.
- The application is recommended for Refusal.

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises a small area which currently incorporates a static caravan within existing commercial premises. The identified red line is restricted to the footprint of the static caravan which is set within the yard area of a decorative glass business.
- 2.2 The overall site extends to approximately 0.148 ha, comprising a road frontage of approximately 48m and incorporating a pair of barrel roof buildings positioned gable to the road and set back approximately 10m from the edge of the carriageway. Both buildings are indicated as being within the applicant's ownership although the eastern building appears more obviously associated with the commercial business.
- 2.3 The existing use relates to a decorative engraved glass business including windows, mirrors and glass ornaments as well as stained glass windows. The static caravan extends to approximately 11m x 4m and is positioned immediately east of, and perpendicular to the existing buildings on site, within the rear portion of existing yard /hardstanding which provides customer a car parking / turning area.
- 2.4 The remainder of the site includes a small overgrown area to the rear of the static caravan. Access to the site is taken from a central position with a separate access parking area serving the western building which also forms the western boundary. The front boundary of the overall site is defined by a 2m pallisade fence with the remainder of the boundaries defined by a combination of post and wire fencing and planting. The eastern boundary of the overall site abuts the adjacent watercourse

(designated) with the adjoining Ballycregagh bridge to the north-eastern site corner.

- 2.5 The subject overall site is fairly level although the eastern extent falls sharply to the level of the adjacent watercourse which sits considerably below site level.
- 2.6 The site is located within the rural remainder and is not affected by any specific policy designations. The existing site area is marginally affected by an area of pluvial ponding which does not extend to the identified red line. An overhead powerline also traverses the site. The character of the immediate area is rural and generally defined by a small number of rural dwellings and farm-holdings although a large commercial site (pallet and haulage business) exists approximately 160m to the north-east.

### **3 RELEVANT HISTORY**

- 3.1 D/1990/0058/O - Site for bungalow – Permission granted 25/4/90.
- 3.2 D/2000/0243/O – Site for bungalow – Permission granted 11/10/00.

### **4 THE APPLICATION**

- 4.1 The application is described as “Retention of structure to accommodate office, kitchen and storage facilities for the existing specialist glass business. The structure is ancillary to commercial use already in place”.

#### **Habitat Regulation Assessment**

- 4.2 The potential impact of 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). Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, it is considered that the project would not

have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

None

### **5.2 Internal**

Shared Environmental Services: No Objection

NI Water Strategic: Advice

DFI Roads - Coleraine Office: Advice

DFI Rivers : Advice

Environ Health Causeway Coast Glens DC: No Objection

NIEA WMU: Advice

NIEA Reg Unit: No Objection

NIEA – NED: Require additional information.

NI Electricity: Standing Advice

## **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 both 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**

Regional Development Strategy (RDS) 2035  
Northern Area Plan 2016  
Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking  
Policy AMP 2: Access to Public Roads.  
DCAN 15 - Vehicular Access Standards

Parking Standards

Planning Policy Statement 2: Natural Heritage.

Planning Policy Statement 4: Planning and Economic  
Development.

Policy PED2: Economic Development in the Countryside.

Policy PED3: Expansion of an Established Economic Development  
Use in the Countryside.

Policy PED9 General Criteria for Economic Development.

PPS15 - Planning and Flood Risks.

Policy FLD3: Development and Surface Water (Pluvial) Flood Risk  
outside Flood Plains.

A Planning Strategy for Rural Northern Ireland

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, character of the area, design and natural heritage / ecology issues.
- 8.2 The Northern Area Plan 2016 identifies the site as being located within the rural non-policy area and is not within any designations or designated sites.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.4 The SPPS was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS. PPS 21 is a retained policy document under the SPPS and provides the relevant policy context.

### Principle of Development

- 8.5 The subject site is located in the countryside and the proposal relates to permission for the retention of the on-site structure to accommodate office, kitchen and storage facilities for the existing specialist glass business and is described as ancillary to the existing use. The specialist glass business referred to in the description relates to bespoke glass and mirror engraving providing decorative engraving / sandblasting for windows, glassware and mirrors. The existing business also produces bespoke stained-glass windows and would appear to fall within



Class B2 (Light Industrial) of The Planning (Use Classes) Order (Northern Ireland) 2015 as only engraving takes place on site.

- 8.6 The existing business appears to be established a number of years (although no planning permission exists) with 2006 noted on the business website as the year established. This would generally tally with evidence available in the form of Google streetview images which indicate the business has been established on site at least as far back as 2009. On this basis the use has been established at least 15 years at this location, is immune from enforcement and considered lawful. The current proposal relates to expansion of the existing business (within the existing site). Although the original buildings and use on site are immune from enforcement action, the static caravan to which the current application relates is not and therefore is not considered lawful.
- 8.7 PPS 21 is a retained policy and sets out planning policies for development in the countryside. Policy CTY1 thereof states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for industry and business uses in accordance with PPS 4.
- 8.8 The preamble to PPS4 – Planning and Economic Development sets out the planning policies for economic development and indicates how such uses can be accommodated and promoted in development plans. The preamble also defines those uses considered as economic development uses for the purposes of this policy statement. This includes Class B2 Light Industrial as per the Planning Use Classes Order 2015 and as such the policies of PPS4 can be applied in determination of the proposal.
- 8.9 Policy PED 2 of PPS4 states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the policies outlined, including Policy PED3 which relates to the expansion of an established economic development use in the countryside. Policy PED3 states that the expansion of such an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of

the local area and there is no major increase in the site area of the enterprise. In addition, all proposals for economic development uses must meet the general criteria set out in Policy PED9.

- 8.10 The proposed site area is restricted to the static caravan on site and extends to its footprint of 11m x 4m (44sqm). No extension to the existing commercial site is proposed.
- 8.11 No supporting information has been submitted regarding the business need for the proposal which is described as accommodating office, kitchen and storage facilities for the existing business. A static caravan of this nature is more usually associated with tourist accommodation / holiday parks or temporary residential accommodation during construction works. The caravan is positioned on concrete pads and blocks and has not been subject to any specific alterations which could be considered indicative of an ancillary use to the existing business.
- 8.12 Paragraph 2 of Policy PED3 states that proposals for the expansion of established economic uses will normally be expected to be accommodated through the re-use or extension of buildings on site. New buildings will only be approved where it is demonstrated that this is not possible, provided they are in proportion to the existing building(s) and will integrate as part of the overall development.
- 8.13 The existing site incorporates a pair of barrel roof buildings which are agricultural in appearance, both of which appear to be in use as part of the existing business and are indicated on submitted plans as being within the applicant's ownership. As the existing business use incorporates the full extent of built development on site, there do not appear to be any existing buildings which could accommodate the current proposal. However, the site incorporates an extensive yard area, and in conjunction with the existing buildings would be capable of accommodating a further extension to the eastern flank in a manner which would remain in proportion to, and in keeping with, the existing buildings on site.
- 8.14 As no information has been submitted to demonstrate that an extension of this nature would not be possible the current proposal is considered unacceptable.

## Integration and Character

- 8.15 Although roadside incorporating an extensive road frontage boundary, the site is well screened in both directions due to existing built form on site as well as existing mature vegetation along the eastern boundary. As a result, critical views are generally restricted to the site frontage extending to approximately 48m.
- 8.16 All extensions or new buildings (where considered appropriate) are generally required to respect the scale, design and materials of the original building(s) on site and any historic or architectural interest the original property may have. Although the use of the word “should” does not demonstrate a compulsory policy requirement, it is clear that the thrust of the policy is to meet this objective in all cases unless there are over-riding reasons not to do so.
- 8.17 The existing buildings on site are redolent of older agricultural buildings in terms of scale and design which have been re-purposed for the current commercial use. On this basis they remain appropriate and characteristic of this countryside location. A static caravan is not commercial in appearance, is not characteristic of the existing use on site, does not reflect the existing buildings and appears incongruous both in terms of visual appearance and perceived use.
- 8.18 Although critical views are limited, the proposal does not respect the scale, design and materials of the original buildings and is of tourist or temporary residential accommodation in appearance. It therefore harms the rural character due to its incongruous visual appearance within this existing commercial site. While a new extension to facilitate the development would appear to be acceptable in policy terms, it remains the case that the current proposal is inappropriate in terms of design and materials and adversely impacts the rural character. The proposal therefore fails to meet the SPPS and Policy PED3.
- 8.19 In addition to the other policy provisions of PPS4, all proposals for economic development use are required to meet all the criteria outlined in Policy PED9 General Criteria For Economic Development.

### Compatibility with surrounding land uses

- 8.20 The site is within a countryside location and remains within the existing commercial site. The proposal as described does not appear to represent an intensification of the existing use and remains compatible with that currently on site. It is sufficiently removed from any neighbouring properties (approx. 175m) and is unlikely to increase or add any significant issues. The proposal does not impact on any designations, built heritage or surrounding land uses although it does have some potential to impact on the existing watercourse adjacent.

### Residential Amenity

- 8.21 The existing commercial use appears to have been in operation for some time and does not incorporate manufacturing but rather engraving. The site is approximately 180m from the nearest residential receptor and Environmental Health has not indicated receipt of any complaints regarding the existing use. The proposal is described as incorporating office and staff facilities (including kitchen facilities) and foul sewage is indicated as being taken to an existing septic tank within the applicant's site. Electricity and water supplies are connected. The local Environmental Health Department (EHD) and NIEA (Water Management Unit have been consulted). EHD raise no objection subject to the existing septic tank being in receipt of the relevant consents.

### Sewerage

- 8.22 Water Management Unit (WMU) initially advised that a full site drainage plan is required to fully determine the potential impact of a proposal of this nature. The drainage plan should indicate all surface water and foul drainage as well as the siting of any proposed interceptors, sumps and silt traps with their associated drainage channels. Amended plans received 20/5/22 indicate disposal of foul water to the existing septic tank with storm water discharged to the adjacent watercourse. WMU advise that the proposal has the potential to adversely affect the surface water environment. WMU note that a Consent to Discharge is required for this discharge under the terms of the Water (NI) Order 1999

and does not appear to exist for this address. WMU appear content subject to appropriate method of sewage disposal agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge granted. NIW has not raised any specific issues and WMU suggest the imposition of a condition regarding this matter although the current application is retrospective.

### Contamination

- 8.23 NIEA Regulation Unit (RU) has been consulted in relation to the potential for contamination on site due to commercial processes. Regulation Unit note that this is a retrospective application for the retention of a structure to accommodate office, kitchen and storage facilities for the existing specialist glass business. RU do not raise any objections but advise that it remains the responsibility of the developer to undertake and demonstrate that works have been effective in managing all risks and propose the imposition of an informative to this effect.

### Natural heritage / Ecology

- 8.24 Although the proposal is located within the premises on an area of hardstanding, the overall commercial site is immediately adjacent a designated watercourse. As the proposal includes storm water discharge to the watercourse and utilisation of an existing septic tank with soakaway, there is potential to impact on natural heritage habitat within both the watercourse and wider river corridor. River corridors are defined within Policy NH 5 of PPS2 as Habitats, Species or Features of Natural Heritage Importance and as such a biodiversity checklist is required to assess the potential impact from the proposal.
- 8.25 A biodiversity Checklist has been submitted which identifies potential impacts and includes an ecological statement which recommends the undertaking of a Preliminary Ecological Appraisal to determine the potential impacts from the proposal. NIEA (NED) has been consulted and advise that in the absence of further information the proposal would be contrary to the Habitats Regulations, PPS 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland. This is due to the fact that that the development may be likely to harm protected species and adversely impact priority habitat and insufficient information has

been submitted to indicate otherwise. No further information has been submitted to address this matter. The agent advised that they do not believe additional information is necessary as the caravan has been on site for more than four years and was erected on an existing area of hardstanding.

- 8.26 Shared Environmental Service has also been consulted due to a hydrological connection between the adjacent watercourse (Flesk Water) and the Skerries and Causeway SAC. As the separation distance is over 20km downstream, SES has determined that the proposal will have no conceivable effects on the SAC due to the significant separation distance.

#### Drainage / Flooding

- 8.27 The Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain and therefore DFI Rivers does not object to the proposed development from a fluvial flood risk perspective. The proposed development is identified as being on elevated ground and out of the fluvial floodplain. The proposed development has no impact on the operational effectiveness of the existing watercourse and does not hinder access to enable maintenance.
- 8.28 A Drainage Assessment is not required by policy although DFI Rivers notes that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. The subject site is also beyond the identified reservoir inundation zone.

#### Access / Parking

- 8.29 Access to the site currently exists from Fivey Road and a fairly large area of hardstanding is retained to the front of the site which provides parking / turning for customers, staff and deliveries. The submitted application form indicates no additional increase in the number of persons or vehicles attending the premises on a daily basis.
- 8.30 DFI Roads has been consulted and raise no objections to the proposal due to no additional intensification although they do point out that the existing vehicular access serving the development is

sub-standard and measures should be taken to provide acceptable geometry and visibility splays (2.4m x 110m) onto Fivey Road.

### Representations

8.31 No third party representations have been received.

## **9 CONCLUSION**

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS. The proposal fails to meet the requirements of PPS 4 and the SPPS. Additional issues have been raised by consultees in relation to natural heritage interests which remain unresolved. No third-party representations have been received. The principal of development is considered contrary to policy and refusal is recommended.

## **10 Refusal Reasons**

1. The proposal is contrary to 6.87 and 6.91 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy PED 3 of Planning Policy Statement 4, Planning and Economic Development in that it has not been demonstrated that the extension of existing buildings on site is not possible and the proposal does not respect the design and materials of the original buildings on site.
2. The proposal is contrary to 6.70 and 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy PED 9 (j & m) of Planning Policy Statement 4, Planning and Economic Development in that it has not been demonstrated that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of

sustainability and biodiversity or that there are satisfactory measures to assist integration into the landscape.

3. The proposal is contrary to 6.70 and 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and of Planning Policy Statement 21, in that the proposal is of an inappropriate design and impacts on rural character.
4. The proposal is contrary to the Habitats Regulations, 6.180 & 6.192 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies NH 2 & NH 5 of Planning Policy Statement 2: Natural Heritage in that the development may be likely to harm protected species and adversely impact priority habitat and insufficient information has been submitted to indicate otherwise.



**Site Location**

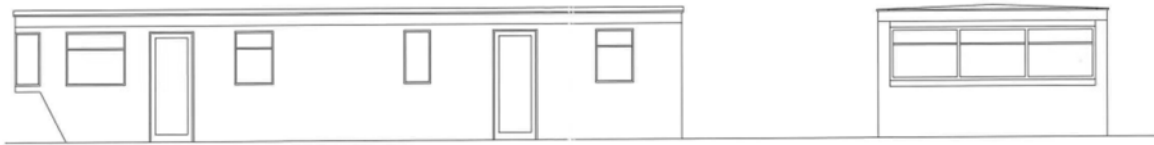


# Plans



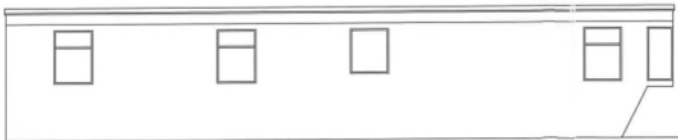
FLOOR PLAN Scale 1/50

END ELEVATION Scale 1/50



SIDE ELEVATION Scale 1/50

END ELEVATION Scale 1/50



SIDE ELEVATION Scale 1/50

Planning Office  
RECEIVED  
13 DEC 2021  
Cauldrey Coast and  
Gainsborough Council

Cauldrey Coast and  
Gainsborough Council  
Drawing  
Number .....02.....



Structure to Accommodate Office, Kitchen, Storage Facility  
for Existing Specialist Glass Business  
for Mr Lawrence Neill  
76 Fivey Road, Stranocum, BT53 8JH  
REVISION A - END ELEVATIONS ADDED 8/12/21

## **Referral requests**

**From:** Maighr ad Watson  
**Sent:** Friday, November 24, 2023 6:06 PM  
**To:** Planning  
**Subject:** LA01/2021/1548/F referral to Planning Committee

A chara,

I hope you are well.

I would like to request that planning LA01/2021/1548/F (Retention of structure to accommodate office, kitchen and storage facilities for the existing specialist glass business, Kingfisher Glass Art. The structure is ancillary to commercial use already in place 76 Fivey Road Ballymoney. It has been Refused) be referred to the planning committee.

The applicant has indicated that the application is essential for his business and is used solely for business purposes. There is no domestic purpose for the static caravan. He has also stated that he has offered to sticker/paint/adjust the front of the caravan to make the appearance more commercial like.

Le meas  
Cllr Maighr ad Watson

**From:** John McAuley  
**Sent:** Friday, November 24, 2023 6:55 PM  
**To:** Planning  
**Subject:** RE: LA01/2021/1548/F

Good Evening

I would like to call in planning application LA01/2021/1548/F for the following reasons;

1. The proposal is contrary to 6.70 and 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

**The office is located beside the existing workshop –this is the reason it is located here**

2. The proposal is contrary to 6.87 and 6.91 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy PED 3 of Planning Policy Statement 4, Planning and Economic Development in that it has not been demonstrated that the extension of existing buildings on site is not possible and the proposal does not respect the design and materials of the original buildings on site.

The building is a static caravan converted to office/staff accommodation. This style of unit is used throughout the country as a cost effective additional office space for many business's. There is no room within the existing building to provide this accommodation.

3. The proposal is contrary to 6.70 and 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy PED 9 (j & m) of Planning Policy Statement 4, Planning and Economic Development in that it has not been demonstrated that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity or that there are satisfactory measures to assist integration into the landscape.

The client did suggest to the planning officer that they would be happy to clad the unit to change the appearance but this was not accepted as viable

4. The proposal is contrary to 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies CTY13 and CTY14 of Planning Policy Statement 21, in that the proposal is of an inappropriate design and impacts on rural character.

Similar units used throughout the countryside.

5. The proposal is contrary to the Habitats Regulations, 6.180 & 6.192 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policies NH 2 & NH 5 of Planning Policy Statement 2: Natural Heritage in that the development may be likely to harm protected species and adversely impact priority habitat and insufficient information has been submitted to indicate otherwise.

This is not an issue – the unit has been on site for 5 years now and was set on existing hardstanding and connected to existing services – no habitats or species were disrupted at the time so there should be no issues not. There are no bi-products from the unit.

Regards

John