



June 28th, 2022

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

Aldermen : W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and A Swan

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 4th July 2022 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

Refreshments shall be served in the Members' Suite at 9.30 am.

David Burns

Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

(i) Conflict of Interest on any matter before the meeting (Members to confirm the specific item)

(ii) Pecuniary and non-pecuniary interest (Member to complete the Disclosure of Interest form)

3.0 Minutes of the Planning Committee Meeting held on 13th June, 2022

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

📄 *Schedule of Applications - July 2022 - FINAL.pdf*

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- (i) LA05/2017/0021/F - 531 Saintfield Road re: Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.

📄 *Appendix 1(a)(i)- DM Officer Report - LA0520170021F - Nursing Home - Fou...pdf*

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📄 *Appendix 1(a)(ii)- DM Officer Report - LA0520170021F - Nursing Home - Thi...pdf*

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📄 *Appendix 1(a)(iii)- DM Officer Report - LA0520170021F - Nursing Home - S...pdf*

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📄 *Appendix 1(a)(iv) - Note of Site meeting iro Saintfield Road 0021 - FINA....docx.pdf*

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📄 *Appendix 1(a)(v)- DM Officer Report - LA0520170021F - Nursing Home - Add...pdf*

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📄 *Appendix 1(a)(vi) - DM Officer Report - LA0520170021F - Nursing Home - F...pdf*

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- (ii) LA05/2017/0021/F - Approximately 40 metres from 33 Glen Road Hillsborough re: Proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and associated site works

- (iii) LA05/2021/0866/F - 300m south west of 50 Taughblane Road, Hillsborough re: Erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery.

Appendix 1(c) - DM Officer Report - LA0520210866 - BF.pdf Page 122

- (iv) LA05/2021/0288/F - Site 88m east of No 75 Grove Road, Dromore, BT25 1QY re: Proposed "Dutch barn style" hay shed

Appendix 1(d) - DM Officer Report - LA0520210288F - Grove Road Shed - F...pdf Page 149

4.2 Statutory Performance Indicators - May 2022

Item 2 - Statutory Performance Indicators.pdf Page 176

Appendix 2 - Lisburn_Castlereagh_May_Monthly_MI.pdf Page 180

4.3 Notification by telecommunication operator(s) of intention to utilise permitted development rights

Item 3 - Notification by telecommunication operator(s) of intention.pdf Page 181

Appendix 3 - List of Notification of Intention to utilise PD July 2022.pdf Page 184

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn on Monday 13th June 2022 at 10.00 am.****PRESENT:**Present in Chamber

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

Aldermen W J Dillon MBE, D Drysdale and O Gawith

Councillors J Craig, M Gregg, J McCarthy, U Mackin and A Swan

Present on a Remote Basis

Alderman A Grehan

IN ATTENDANCE:Present in Chamber

Director of Service Transformation
 Head of Planning and Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officer (MB)
 Senior Planning Officer (RT)
 Member Services Officers (RN & EW)

Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

Present on a Remote Basis

Ms L Agnew (Cleaver Fulton Rankin) - Legal Adviser

Commencement of Meeting

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

The Chairman stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had the option of attending in person or on a remote basis.

The Member Services Officer then read out the names of the Elected Members and Officers in attendance at the meeting.

The Head of Planning and Capital Development advised on housekeeping and evacuation procedures.

1. Apologies

There were no apologies for non-attendance at the meeting.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for remote attendance.

The following declarations were made:-

- Councillor A Swan referred to LA05/2021/0944/f and advised of a family connection and that he had lobbied on behalf of the applicant. Councillor Swan advised of his intention to leave the meeting during discussion.
- Alderman J Tinsley referred to LA05/2021/0944/F and advised that he had spoken with the agent and had received some background information. Alderman Tinsley had advised that he was a member of the Planning Committee and stated that he remained open-minded on the application.
- LA05/2021/1093/F – The Chairman, Alderman J Tinsley, advised that – by virtue of being Members of the Council - Members of the Planning Committee had an interest in this planning application. The Chairman stated that the dispensation under Paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on this application. The Chairman further advised that, as all Members had the same interest in this case, it was not considered necessary for each Member to individually declare their interest.

3. Minutes of Meeting of the Planning Committee held on 9th May 2022

It was agreed that the minutes of the Meeting of Committee held on the 9th May 2022 as circulated be signed.

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

4.1.1 Application Withdrawn

The Head of Planning and Capital Development advised that - at the request of the applicant - the following application was being withdrawn from the Schedule under consideration:-

LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

The Head of Planning and Capital Development advised that a representation on behalf of objectors had been received late the previous day and it required formal consideration, including that of a statutory consultee. Members expressed concern at the late submission of such information and questioned if the Committee's determination of this application should not proceed as listed.

It was proposed by Councillor A Swan, seconded by Alderman W J Dillon and agreed that the meeting go "into Committee" in order to seek advice from the Council's legal advisor. The live-stream was paused at this stage in proceedings. The Head of Planning and Capital Development and those persons seated in the public gallery left the meeting. (10.13 am)

Ms L Agnew (Legal Advisor), joined the meeting remotely and advised that her colleague, Mr B Martyn, was journeying to the meeting.

Mr B Martyn (Legal Advisor) entered the Chamber at 10.15 am.

The Director of Service provided further clarity on the late information and explained that time was required for it to be considered. The legal advisor also provided advice in this regard.

Councillor J McCarthy entered the Chamber during the confidential discussion of this item of business. (10.20 am)

It was proposed by Councillor A Swan, seconded by Councillor J Craig and agreed to come "out of Committee". Normal business and the live-stream were resumed.

The Head of Planning and Capital Development and those persons who had been seated in the Public Gallery returned to the Chamber. (10.31 am)

LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Continued)

The Chairman, Alderman J Tinsley, reported that planning application LA05/2017/0021/F was being withdrawn from the schedule under consideration in order to allow for consideration of a late representation, and that it was hoped the application could be included in the Schedule for the meeting of Committee on the 4th July 2022.

The officers noted Members' comments that a procedure should be in place whereby submissions after a certain date and time would not be accepted.

At this stage in the meeting, the Chairman reminded Members that they needed to be present for the entire determination of an application. If absent for any part of the discussion they would render themselves unable to vote on the application.

The Legal Adviser (Mr B Martyn) highlighted paragraphs 43 - 46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

4.1.2 Applications to be Determined

- (i) LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

Dealt with under "Applications Withdrawn".

- (ii) LA05/2021/1093/F – New metal clad shed (7.5 x 9.0 metres) for indoor golf studio on unused grass area at Castlereagh Hills Golf Course, 73 Upper Braniel Road, Gilnahirk, Belfast, BT5 7TX

The Senior Planning Officer (MB) presented this application as outlined within the circulated report.

Speakers

No requests received.

- (ii) LA05/2021/1093/F – New metal clad shed (7.5 x 9.0 metres) for indoor golf studio on unused grass area at Castlereagh Hills Golf Course, 73 Upper Braniel Road, Gilnahirk, Belfast, BT5 7TX (Continued)

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issue arose:-

- Alderman O Gawith asked if noise could be an issue with this facility. The Senior Planning Officer stated that this would not be the case as activity associated with the proposed structure was confined to indoors.

Debate

During debate, the following comments were made:-

- Alderman D Drysdale stated that the proposed facility was likely to attract more patrons and would enhance the facilities available at the Golf Course.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote to approve the application as outlined in the report.

- (iii) LA05/2018/0862/F – Proposed infill site for 2 dwellings with detached garages between 26 & 30 Magheraconluce Road, Hillsborough

Councillor M Gregg left the meeting when this application was being considered.

The Principal Planning Officer (RH) presented this application as outlined and drew Members' attention to the following:-

- A revised report had been provided to the Committee on the 10th June 2022 and also at the meeting. In addition to a few typographical corrections, the revised report included reference to a Judicial Review case at Glasdrumman Road, Ballynahinch which could have some relevance to the application being considered.

Speakers

No requests received.

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issues arose:-

- Councillor J Craig sought clarification as to why the application had been presented to Committee. The Head of Planning and Capital Development stated that this was due to an application having been previously called-in and decided by the Committee. The same process of decision making is followed for the purpose of consistency.

(iii) LA05/2018/0862/F – Proposed infill site for 2 dwellings with detached garages between 26 & 30 Magheraconluce Road, Hillsborough (Continued)

- Councillor A Swan enquired about the frontage of the gap. The Head of Planning and Capital Development explained how such gaps are assessed with reference to the supporting documentation in the presentation.

Debate

During debate, the following comments were made:-

- Alderman W J Dillon stated that as the application complied with relevant policies, he would be supporting the recommendation.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote to approve the application as outlined in the report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 11.08 am.

Resumption of Business

The Chairman declared the meeting resumed at 11.15 am.

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh

The Senior Planning Officer (RT) presented the application as outlined within the circulated report and drew Members' attention to the following:-

- A site meeting for the application had taken place on the 27th May 2022.
- Further to preparation of the report as circulated, a further representation of support had been received.

Mr Philip Campbell

The Committee received Mr Philip Campbell (via Zoom) who wished to speak in objection to the application and who had provided the Committee with a written submission in advance of the meeting. In addition to his written submission, Mr Campbell outlined the facilities offered by his retail business in Moneyreagh and stated that he fully concurred with the recommendation to refuse the application.

Questions to Mr Campbell

Mr Campbell responded to Members' questions as follows:-

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

- Alderman D Drysdale sought information about Mr Campbell's retail outlet. Mr Campbell confirmed that his convenience shop which incorporated post office facilities was located in the centre of Moneyreagh, and that it enjoyed custom from the surrounding housing developments and also passing trade.

Mr Brendan Starkey (O'Toole & Starkey Planning Consultants)

The Committee received Mr Brendan Starkey from O'Toole and Starkey Planning Consultants. Mr Starkey was accompanied by Suneil Sharma (owner of site location), Karen McShane (Kevin McShane Ltd Civil Engineering) and Michael Monteith (Henderson Group). Mr Starkey wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. Mr Starkey made his presentation.

Questions to Mr Starkey

The presenters responded to Members' questions as follows:-

- Councillor J Craig sought clarification as to how the application met road safety requirements. Ms McShane cited the road safety measures which were being proposed and emphasized that such measures were a great improvement on the existing layout. She also cited the "Design Manual for Roads & Bridges" which is a guidance document as opposed to a policy one. A taper turning right into the Hillsborough Road is sharper than it should be due to an existing building. There is also however an issue of limited visibility for drivers approaching a hill north of the site should there be an obstruction on the road.
- Alderman W J Dillon referred to the dangers associated with the road junction. Ms McShane referred to the staggered distance with Hillsborough Road and to the fact that policies had been met. Separation with housing on the Belfast side of the junction had been achieved by the provision of a right turn. As there exists a possibility to re-use the site as a shop only, it is imperative that the junction be made safe.
- Alderman D Drysdale referred to the scenario of traffic emerging from the Comber Road, turning right and then immediately left into the site. Ms McShane advised that the stagger distance was improved within the proposal. Alderman Drysdale considered the improvement to still be too tight.
- Councillor U Mackin enquired about the existing volume of traffic on the site compared to that projected. Ms McShane stated that a transport assessment had been carried out when a car sales facility had been at the location. There would be periods of the day when volume of traffic would be intensified.

- (iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

Councillor T Mitchell

The Committee received Councillor T Mitchell (via Zoom) who wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. Councillor Mitchell made his presentation.

Questions to Councillor Mitchell

Councillor Mitchell responded to Members' questions as follows:-

- Alderman D Drysdale asked if the shop in the centre of Moneyreagh would be detrimentally affected by the proposed facility. Councillor Mitchell did not envisage any detriment to the existing shop.
- Alderman W J Dillon referred to existing problems of road safety at the junction including issues of tail-back traffic wishing to turn right into both Comber Road and Hillsborough Road. Alderman Dillon asked how Councillor Mitchell would envisage this being resolved. Councillor Mitchell considered that the right-turn pockets should address these issues.

Councillor S Lowry

The Committee received Councillor S Lowry (via Zoom) who wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. The submission had been received late on the 10th June 2022 and the Chairman had agreed that it could be considered and that Councillor Lowry could be received. Councillor Lowry made her presentation.

Questions to Councillor Lowry

Councillor Lowry responded to Members' questions as follows:-

- Alderman D Drysdale referred to the scenario of traffic emerging from the Comber Road, turning right and then immediately left into the site. Councillor Lowry considered that the proposed right hand turn pockets would improve traffic flow and address road safety issues.
- Alderman O Gawith asked about the impact of the proposed development on the existing shop in Moneyreagh. Councillor Lowry stated that Moneyreagh was an expanding settlement and there would be business for both facilities.

Questions to Planners

Mr Stephen Cash from DfI Roads Service was available via Zoom.

A question and answer session with the Planning Officers proceeded. The following issues arose:-

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

- The Chairman, Alderman J Tinsley, enquired from Mr Cash if Roads Service remained of the opinion that – from a roads' perspective - this application still could not be supported. Mr Cash affirmed that Roads Service remained of the opinion that this application could not be supported.
- Councillor J Craig sought Mr Cash's opinion on the scenario of emerging from the Comber Road, turning right and immediately left into the site. Mr Cash advised that there remained the dangers posed by traffic travelling at speed from the Belfast direction.
- Alderman O Gawith referred to the definition of the site as a "Brown Field Site". The Head of Planning and Capital Development stated that the site was previously developed and a "Brown Field Site". He went on to clarify the current uses including a vacant shop unit. He indicated however that neither the car sales operation nor the petrol filling station of some years previous could be weighted in the assessment as there was no planning history for the car sales and the petrol pumps were not there. He further clarified that Moneyreagh Road is a protected route – not a trunk road – and there is no policy for petrol filling stations on a protected route. The sale of petrol is the principal use and the main factor to be considered in the application.
- Councillor J McCarthy referred to the application of Policy ICI5. The Head of Planning and Capital Development advised that this policy may be acceptable but only on a trunk road and where there is a clear indication of need.
- Councillor U Mackin enquired as to how the turning lane dimensions associated with a proposal at Saintfield Road, Lisburn had been different to those for the proposal under consideration and asked why consistency was not applied. Mr Cash advised that he could only speak today in regard to the application under consideration.
- Councillor U Mackin enquired about sewerage conditions associated with the application. The Senior Planning Officer (RT) advised that NI Water had been content with the sewerage proposals. Additional factors would be the subject of an application. Conditions regarding sewerage provision could be attached to the Decision Notice if Members were in fact minded to approve the application.
- Alderman D Drysdale asked Mr Cash if he considered that the proposals for traffic emerging from the Comber Road, turning right and immediately left into the site were acceptable. Mr Cash outlined a number of issues affecting this, ie design, speed of road.

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

- Alderman D Drysdale sought clarification about the issue of Moneyreagh Road being a protected route. The Head of Planning and Capital Development cited AMP Policies 2 and 3 (Access, Movement & Parking) and stated that the proposal was contrary to the requirements of both and setting out why the specific criteria to both policies were not met.

Debate

During debate, the following comments were made:-

- Councillor A Swan stated that he would be supporting the recommendation.
- Alderman W J Dillon stated that - given that the proposal did not bear any relationship to what was currently in place and taking into account road safety shortcomings, he agreed with the recommendation.
- Councillor J Craig stated that – given that Roads Service could not support the application and also the longstanding road safety concerns at this junction, he would be supporting the recommendation.
- Alderman D Drysdale stated that whilst the facility would be a welcome addition to the area, the road safety concerns were high and that he would be supporting the recommendation.
- Alderman O Gawith stated that he would be supporting the recommendation.
- Councillor John Palmer stated that – based on the current plans – he would be supporting the recommendation.
- Councillor U Mackin stated that he did not agree with Refusal Reasons 1-7 but that he did agree with Refusal Reasons 8-10. He would be supporting the recommendation.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote to refuse the application as outlined in the report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 12.58 pm.

Resumption of Business

The Chairman declared the meeting resumed at 1.42 pm. All attendees, apart from the Director of Service Transformation, returned to the meeting (both in the Chamber and remotely).

- (v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn

Councillor A Swan left the meeting as he had earlier declared an interest in this item of business. (1.43 pm)

The Senior Planning Officer (RT) commenced her presentation of the application.

Due to technical difficulties being experienced by the sole speaker for the above application who wished to join the meeting remotely, proceedings were paused at 1.45 pm to endeavour to have such difficulties resolved.

The Chairman stated that the remainder of the business on the agenda would be considered at this point in the meeting so as to allow for the technical difficulties to be resolved and for the speaker to gain access to the proceedings.
(1.48 pm)

4.2 Statutory Performance Indicators – April 2022

It was agreed that the Statutory Performance Indicators for April 2022, together with the explanatory narrative in this regard, be noted.

The Head of Planning and Capital Development stated that staffing levels were constantly under review to ensure a full complement of staff in the unit.

Alderman A Swan returned to the Chamber during presentation of the above item.
(1.50 pm)

- 4.3 Appeal Decision in respect of Planning Application LA05/2018/0307/F – Replacement dwelling with retention and conversion of existing stone built vernacular building (former dwelling) to stables/outbuildings 130m north of 47 Ballymullan Road, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

- 4.4 Appeal Decision in respect of Planning Application LA05/2019/0347/RM – 2 no. additional dwellings, comprising 1 no. two-and-a-half storey detached and 1 no. two storey, three bed detached dwelling at 1 Bells Lane, Lambeg, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

- 4.5 Appeal Decision in respect of Planning Application LA05/2019/0640/F – 5 no. residential dwellings (4 no. semi-detached and 1 no. detached), garages, landscaping and all other associated site works on lands opposite and north west of Nos. 10-20 Old Church Heights, Milltown, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

- 4.6 Submission of Pre-Application Notice (PAN) for the construction of one general industrial unit (Class B3) and one general industrial unit with offices (B1 & B3) with associated access and parking facilities along with other ancillary works 50 metres south west of Ferguson Drive, Knockmore Hill Industrial Estate, Lisburn

It was agreed that the Pre-Application Notice in relation to the above application, together with the attendant Site Location plan, be noted.

- 4.7 Submission of Pre-Application Notice (PAN) for a mixed use development comprising mixed tenure residential development and employment uses, park & ride provision and associated landscaping, car parking and site works on lands at 160 Moira Road, Lisburn

It was agreed that the Pre-Application Notice in relation to the above application, together with the attendant Site Location plan, be noted.

Councillor John Palmer drew attention to the fact that under Section 11 of the PAN, the Elected Members for the Downshire West District Electoral Area had been listed instead of those for the Lisburn South District Electoral Area which was the area in which the proposal was located. The Head of Planning and Capital Development would request that an Officer of the Planning Unit convey this correction to the necessary planning agent.

- 4.8 Feedback on Guidance for Councils on Building Preservation Notices/Schemes of Delegation (Closing date: 1st July 2022)

Members were provided with copy of a publication entitled “Building Preservation Notices – A good practice guide for District Councils” which had been received from the Historic Environment Division. Comments thereon were sought by the 1st July 2022.

At its meeting held on the 1st June 2022, the Development Committee had delegated authority for the response to be prepared by Officers and for the final response to be included in the noting schedule of the Development Committee.

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the request from the Historic Environment Division for feedback in regard to the above be noted and that a response be prepared and submitted under the authority delegated by the Development Committee on the 1st June 2022.

Alderman A Swan left the meeting. (2.00 pm)

5. Applications to be Determined (Continued)

- (v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn

The Senior Planning Officer (RT) re-commenced her presentation of the application and drew Members' attention to the following:-

- Medical records (in regard to the applicant's parents) to support the application had been received but were too substantial to upload to Decision Time. A copy could be made available to any interested Member. However the report before the meeting provided a synopsis of the medical records.

Ms Laura McCausland

The Committee received Ms Laura McCausland (via Zoom) who wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. Ms McCausland made her presentation.

Questions to Ms McCausland

Ms McCausland responded to Members' questions as follows:-

- Alderman J Tinsley asked if any other solutions by way of the provision of suitable accommodation were available. Ms McCausland referred to the medical records provided and to the nature of ailments which the applicant's parents suffered and which would not improve with age. In addition to the medical conditions, there was also the issue of mental wellbeing and social support which living in an adjacent dwelling would provide. An extension to the existing dwelling or the conversion of an existing outbuilding would not be options for the reasons as detailed in the submission. Refusal of the application would also affect the applicant's availability to care for younger dependents and grandchildren.
- Alderman D Drysdale enquired about vehicular access to the site by medical persons/carers etc. Ms McCausland stated that all care is currently provided by the applicant at a location where the parents currently reside.
- Alderman W J Dillon sought background to the present caring arrangements for the applicant's parents who currently live some miles away. These were provided by Ms McCausland.
- Councillor J McCarthy enquired about the loss of garden space should an extension to the existing dwelling be provided. Ms McCausland stated that the substantial loss of 65% garden space would be detrimental to the amenity space enjoyed by the dwelling house and for care arrangements for children and grandchildren at that location.

(v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn (Continued)

- Councillor John Palmer asked if No. 252 Hillhall Road could be part of the application. Ms McCausland confirmed that No 252 was a separate entity and was not part of the application under consideration.

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issues arose:-

- It was proposed by Alderman W J Dillon, seconded by Councillor John Palmer and agreed that the meeting go “into Committee” in order to consider the medical records provided. The live-stream was paused at this stage in proceedings. The public left the meeting also.

The Head of Planning and Capital Development responded to questions in regard to the medical records provided.

It was proposed by Councillor J Craig, seconded by Alderman W J Dillon and agreed to come “out of Committee”. Normal business and the live-stream were resumed.

- Councillor J Craig enquired as to the dimensions of the proposed dwelling, and those which an extension to the current dwelling and also the conversion of an outbuilding would provide. The Head of Planning and Capital Development provided these dimensions. He further clarified that the Officer considered there to be sufficient space to extend the existing dwelling, to provide care and to still have a large garden space necessary to serve a large family dwelling. The option to convert an outbuilding would result in a unit equivalent in size to a two bedroom apartment. Therefore the accommodation need for the applicant’s parents could be addressed by such alternative provisions.
- Councillor U Mackin enquired about mobile home provision as an option. The Head of Planning and Capital Development stated that whilst it would be an alternative means of accommodation, a mobile home would only be a temporary measure as planning permission would only apply for a three year period and it would then require to be renewed. As the need appeared to be for a longer period, this type of alternative accommodation appeared not to be a viable option.

Debate

During debate, the following comments were made:-

- Alderman W J Dillon stated that he did not consider the medical evidence to be compelling so as to merit the proposed dwelling and that he would be supporting the recommendation.

(v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn (Continued)

- Alderman D Drysdale stated that the evidence presented would not allow him to overturn the recommendation.
- Alderman J Tinsley considered the application to be finely balanced.
- Alderman O Gawith stated that the evidence presented would not allow him to overturn the recommendation.
- Councillor J Craig stated that the application required a balanced decision. However given that a policy existed as did alternative options for accommodation, he would support the recommendation.
- Councillor John Palmer considered the case to be a difficult one on which to make a decision.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a vote of 9:1 with no abstentions to refuse the application as outlined in the report. (Councillor A Swan was not present for this item of business, having declared an interest in it.)

6. Any Other Business

There was no other business.

There being no further business, the meeting concluded at 3.20 pm.

CHAIRMAN / MAYOR



Planning Committee

04 July 2022

Report from:

Head of Planning and Capital Development

Item for Decision

TITLE: Item 1 - Schedule of Planning Applications to be determined

Background and Key Issues:

Background

1. The following applications have been made to the Council as the Local Planning Authority for determination.
2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) 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.
3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There are four local applications in total.
2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.
 - (a) LA05/2017/0021/F - Demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast
Recommendation – Approval
 - (b) LA05/2021/0017/F - Proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works approximately 40m from 33 Glen Road Hillsborough
Recommendation – Refusal
 - (c) LA05/2021/0866/F - Erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery, 300m south west of no 50 Taughblane Road, Hillsborough.
Recommendation – Refusal
 - (d) LA05/2021/0288/F – Proposed 'dutch barn style hay shed' at site 88 metres west of 75 Grove Road, Dromore.
Recommendation – Refusal

Recommendation:

For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.

Finance and Resource Implications:

Decisions may be subject to:

- (a) Planning Appeal (where the recommendation is to refuse)
- (b) Judicial Review

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of

costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
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If no, please give explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- APPENDIX 1(a) (i) – (vi)– LA05/2017/0021/F**
- APPENDIX 1(b) - LA05/2021/0017/F**
- APPENDIX 1(c) – LA05/2021/0866/F**
- APPENDIX 1(d) – LA05/2021/0288/F**

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	4 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Sixteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been subject to a number of previous consultations with the planning committee and the associated reports are listed as follows:

07 December 2020 – Initial DM Officer Report
 02 August 2021 – First Addendum Report
 06 September 2021 – Second Addendum Report
 04 October 2021 – Composite Report (comprising three previous reports)
 01 November 2021 – Addendum Report
 07 March 2022 – Second Addendum Report
 13 June 2022 – Third Addendum Report

2. The composite report [dated October 2021] brought together the chronology of assessments as outlined in the other reports referred to above and provides the main basis for consideration of the proposal in front of the committee.
3. To assist the members and by way of an aid memoire it was first agreed at a meeting of the planning committee on 04 October 2021, that consideration of the application be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
4. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of the 01 November 2021 addendum report.
5. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impact, modelling and for further comment to be provided by DfI Roads.
6. In December 2021, the applicant's consultant team provided additional information in relation to traffic generation and the access arrangements as requested. Clarification was provided in relation to the following matters:
 - Direct Access from A24 Saintfield Road
 - Development Proposals increase in traffic generation
 - Traffic Safety
 - Accident History
 - Proposed access impact on existing junctions
 - Capacity Model of Proposed Access
7. Consideration of this further information was set out in an addendum report dated 07 March 2022.
8. Prior to the application being presented to the Committee at its meeting in March 2022 further representations were received from a third party on the 4 and 6 March 2022.
9. This representation included a third party challenge in respect of the proposed visibility splays. It was decided to withdraw the application from the schedule to allow the Council time to investigate the challenge and consider the implications for the application process.
10. Additional information was received from the applicant on 29 April 2022 and was uploaded to the Planning Portal on the 04 May 2022.
11. Prior to the application being presented to the Committee in June 2022, a further representation was received on behalf of third parties. This submission included the following papers:
 - Legal Opinion from Gregory Jones QC
 - Briefing Note from SW Consultancy (NI) Limited

12. These papers are available to Members via the Planning Portal.
13. It was agreed to remove the application from the schedule to enable DfI Roads time to further consider the submissions and to provide advice to the Council in their role as a statutory consultee.

Further Consideration

14. Further correspondence was received from the applicant team on 20 June 2022 which included:
 - Legal Submission from William Orbinson QC on behalf of the applicant
 - Technical Note in respect of the traffic impact and access arrangements from Kevin McShane Limited
 - Response to Third Party draft refusal reasons
15. These papers have been made available to the third parties. They are also available to Members via the Planning Portal. No further representation had been received in response to the submission by the applicant team at the date of writing this report.
16. DfI Roads has been copied the latest submissions from all the parties.
17. They have taken advice from their own independent consultants (Amey) and their position remains unchanged that the proposed development will not result in the intensification of the use of an existing access.
18. There is no reason to disagree with the advice offered by DfI Roads that the access arrangements for this site are safe and will not give rise to an adverse traffic impact. It is still considered that the requirements of policies AMP 2 and AMP 3 of PPS 3 are met and the main report is not amended.
19. Legal submission are made by both parties in respect of the weight to be afforded to the Carryduff Local Plan and draft BMAP. It is not considered necessary to make any adjustment to the advice offered in respect of the extant and emerging local plans in the main officer report.

Conclusions

20. The information from the applicant received on 29 April 2022 address a P2 challenge. Amendments to the submitted plans are minor in nature and do not

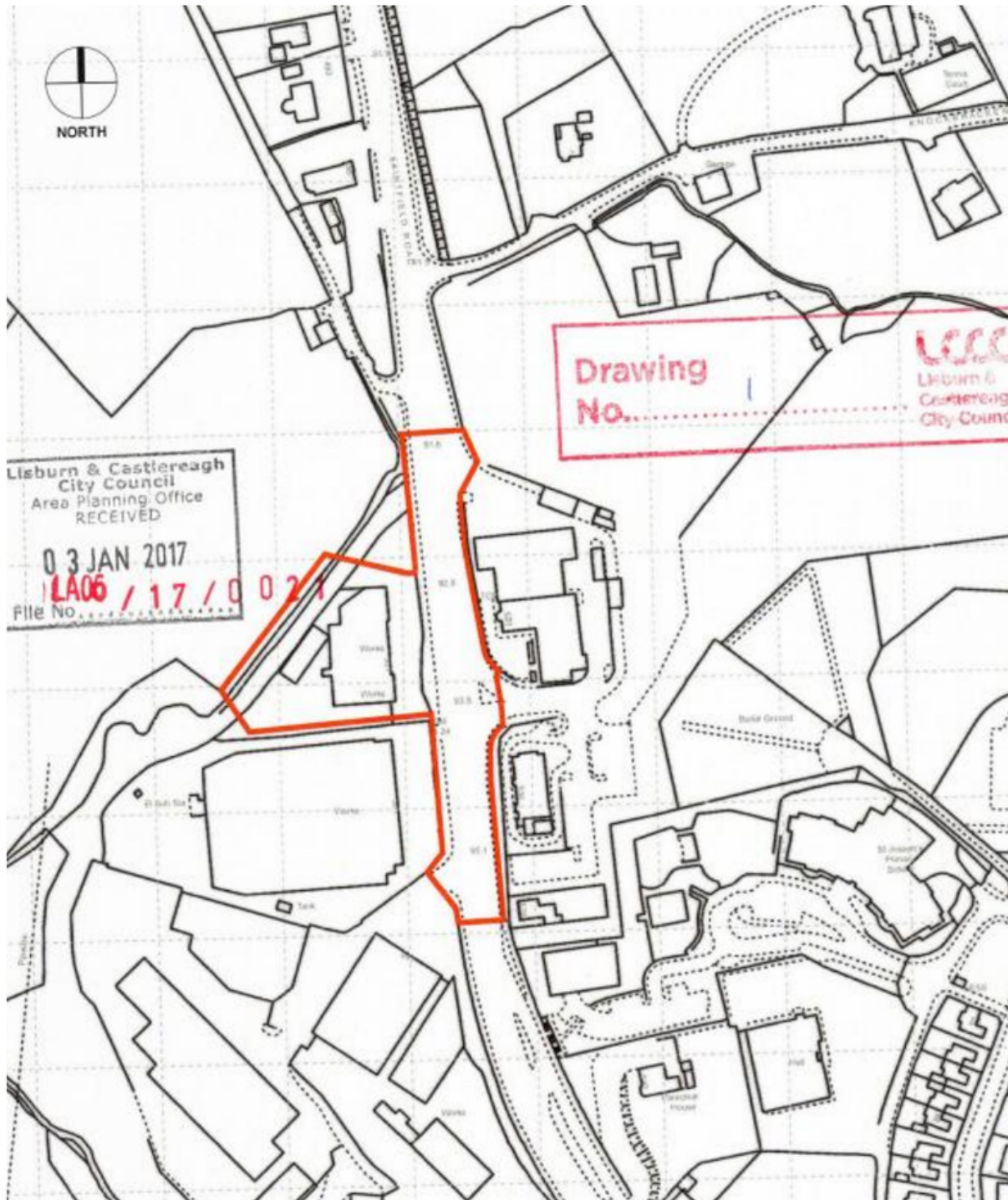
result in any additional road safety or traffic impact concerns and the advice of DfI Roads is accepted.

21. No new substantive evidence is provided that would require the advice set out in the composite report of October 2021 and subsequent addendum reports to be changed or amended.
22. The recommendation that planning permission be approved for the reasons indicated in the composite report are not changed.
23. The detail of this third addendum report should be read in conjunction with the all the reports previously drafted for committee dated 04 October 2021, 01 November 2021, 07 March 2022 and 13 June 2022.

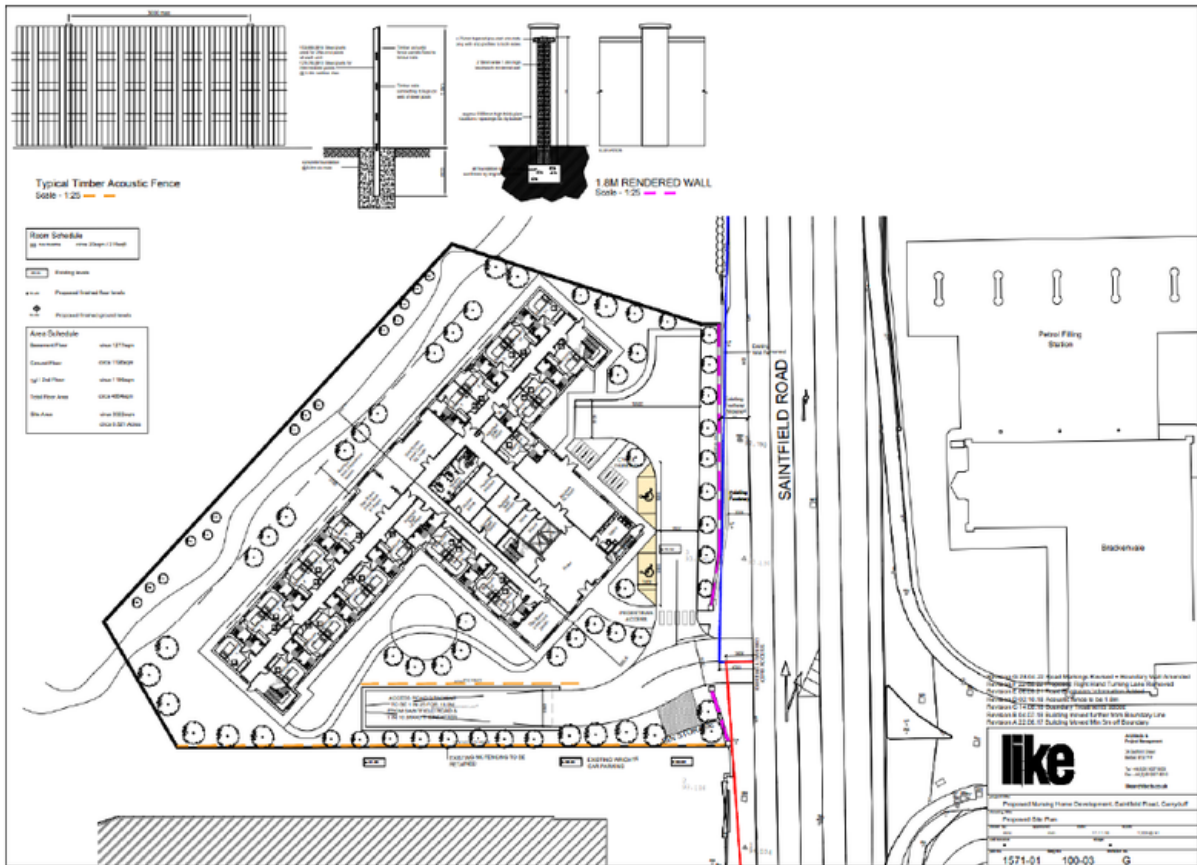
Recommendations

24. It is recommended that planning permission is approved.

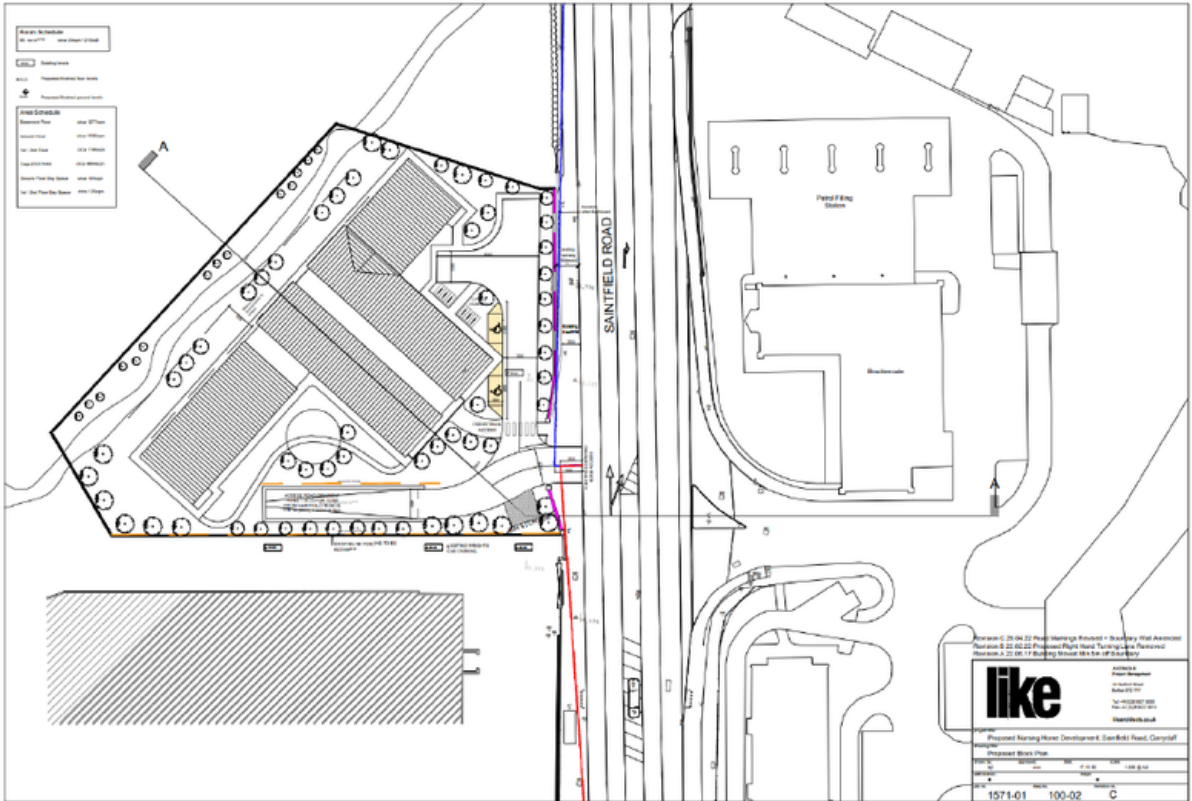
Site Location Plan – LA05/2017/0021/F



Proposed Site Plan – LA05/2017/0021/F



Proposed Block Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	13 June 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Sixteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been subject to a number of previous consultations with the planning committee and the associated reports are listed as follows::

07 December 2020 – Initial DM Officer Report
 02 August 2021 – First Addendum Report
 06 September 2021 – Second Addendum Report
 04 October 2021 – Composite Report (comprising three previous reports)
 01 November 2021 – Addendum Report
 07 March 2022 – Second Addendum Report

2. The composite report [dated October 2021] brought together the chronology of assessments as outlined in the other reports referred to above and provides the main basis for consideration of the proposal in front of the committee.
3. To assist the members and by way of an aid memoire it was first agreed at a meeting of the planning committee on 04 October 2021, that consideration of the application be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
4. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of the 01 November 2021 addendum report..
5. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impact, modelling and for further comment to be provided by DfI Roads.
6. In December 2021, the applicant's consultant team provided additional information in relation to roads/traffic generation and access arrangements as requested. Clarification is provided in relation to the following matters:
 - Direct Access from A24 Saintfield Road
 - Development Proposals increase in traffic generation
 - Traffic Safety
 - Accident History
 - Proposed access impact on existing junctions
 - Capacity Model of Proposed Access
7. Consideration of this further information was set out in an addendum report dated 07 March 2022.
8. Prior to the application being presented to the Committee at its meeting in March 2022 further representations were received from a third party on the 4 and 6 March 2022.
9. This representation included a third party challenge in respect of the proposed visibility splays. It was decided to withdraw the application from the schedule to allow the Council time to investigate the challenge and consider the implications for the application process.
10. Additional information was received from the applicant on 29 April 2022 and was uploaded to the Planning Portal on the 04 May 2022.
11. Neighbour notifications also issued at this time. At the date of writing this report, no further representation had been received.

Further Consideration

12. The Information received from the applicant on 29 April 2022 included the following:
 - Proposed Site Plan - drawing no.1571-01 100-03 Rev G
 - Proposed Block Plan - drawing no.1571-01 200-01 Rev C
 - Proposed Cross Section - drawing no.1571-01 500-01 Rev C
 - Sightline Plan – drawing no. 20-150-DR-001
13. The covering letter provided with the drawings explained that no roads works are proposed that require the wall at the entrance to Wrights to be altered or removed.
14. The letter further explained that the proposed demolition of the existing wall to the north of the proposed access and its replacement approximately 645 mm further into the site will assist in enhancing visibility to the north for those exiting the site onto Saintfield Road.
15. Finally it was noted that DfI Roads had already stated its position in relation to intensification and for this reason, there was no requirement to alter the existing access arrangements.
16. The letter and associated drawings were sent to DfI Roads for their information and comment. In a response dated 30 May 2022 it was confirmed that the minor changes to the access arrangements including the visibility splays were acceptable.
17. It was also confirmed that the drawings now showed the correct position of the existing right turning lane road markings.
18. DfI Roads advised that they were unable to offer an objection to the access arrangements in terms of prevailing regional policy and guidance.
19. Significant weight is afforded by DfI Roads to the established use of the land and use of TRICS data to establish there is no intensification of the use of the access.
20. The response provided by DfI Roads also has regard to information submitted from all the third parties which highlight discrepancies in the previously submitted drawings together with related objections about the existing access layout which they consider to falls short of current standards.

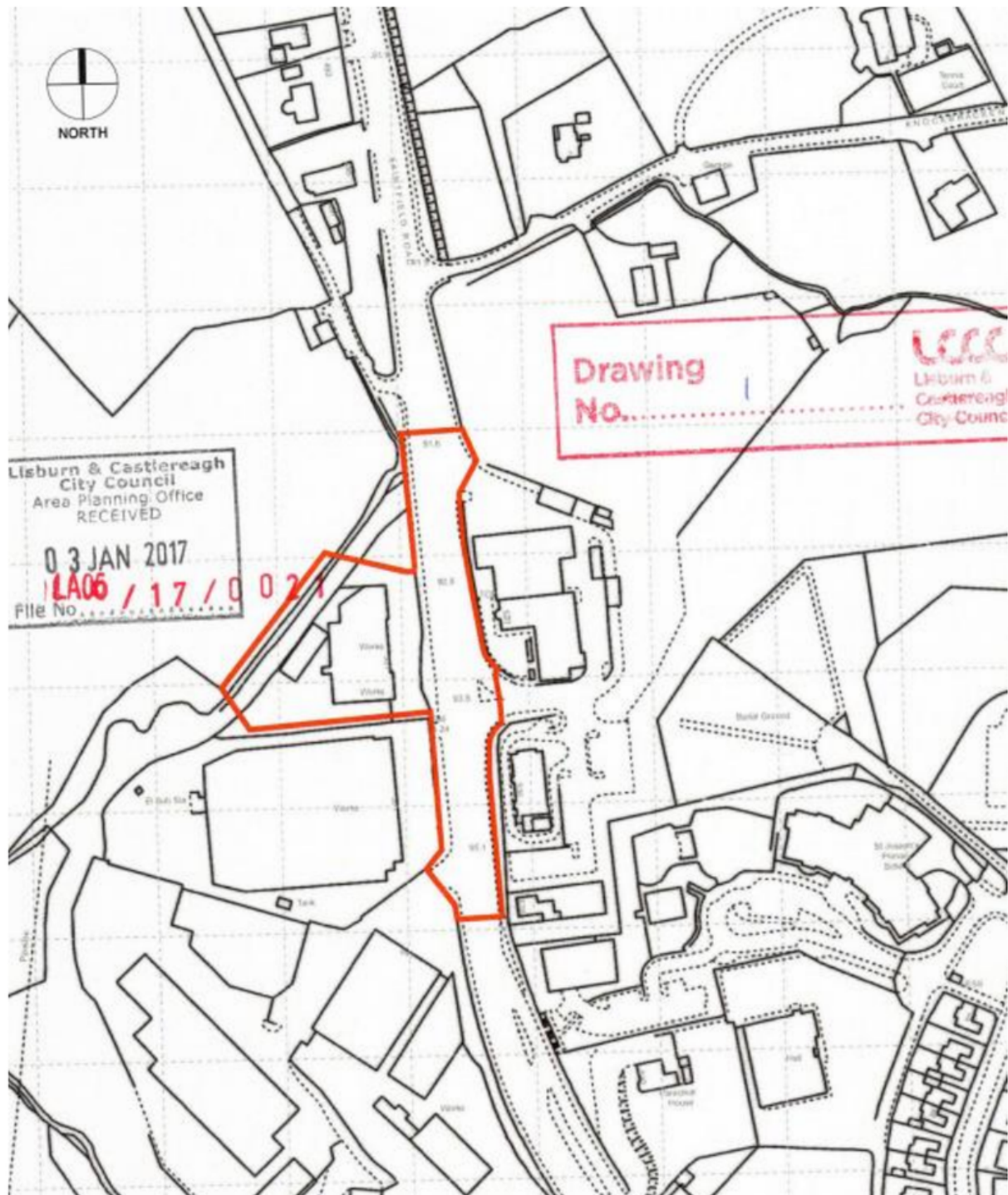
Conclusions

21. The information from the applicant received on 29 April 2022 address a P2 challenge. Amendments to the submitted plans are minor in nature and do not result in any additional road safety or traffic impact concerns and the advice of DfI Roads is accepted.
22. No new substantive evidence is provided that would require the advice set out in the composite report of October 2021 and subsequent addendum reports to be changed or amended.
23. The recommendation that planning permission be approved for the reasons indicated in the composite report are not changed.
24. The detail of this third addendum report should be read in conjunction with the all the reports previously drafted for committee dated 04 October 2021, 01 November 2021 and 07 March 2022.

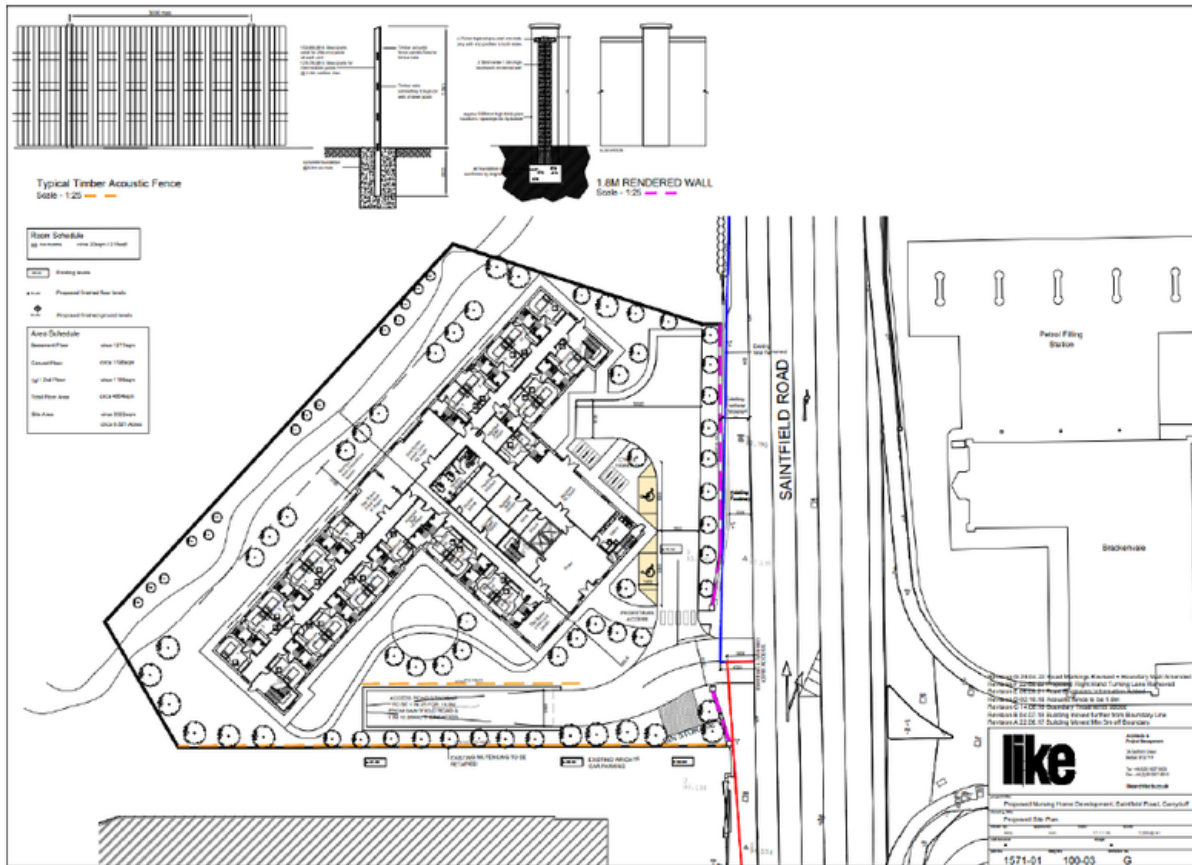
Recommendations

25. It is recommended that planning permission is approved.

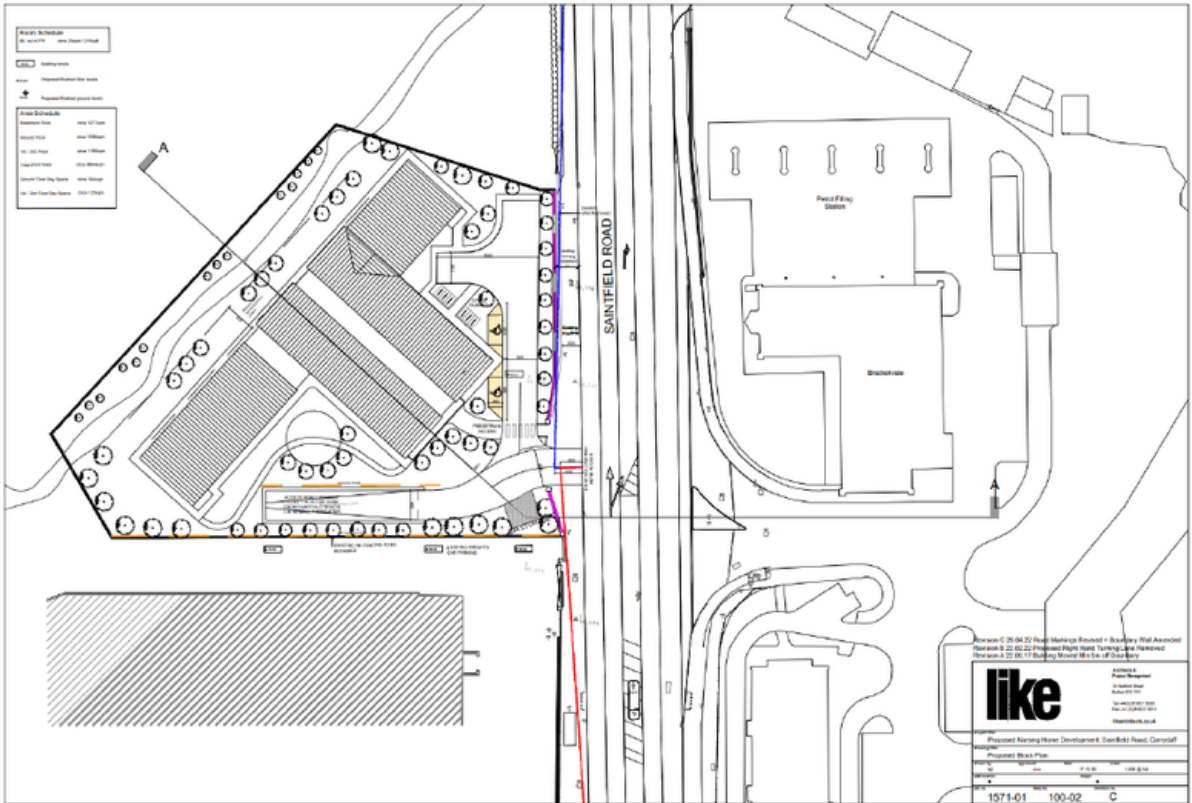
Site Location Plan – LA05/2017/0021/F



Proposed Site Plan – LA05/2017/0021/F



Proposed Block Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 March 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Sixteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been withdrawn from the schedule of applications as presented to the Committee on the following occasions:
 - 07 December 2020 – Initial DM Officer Report
 - 02 August 2021 – First Addendum Report
 - 06 September 2021 – Second Addendum Report
 - 04 October 2021 – Composite Report
- The composite report brought together the chronology of assessments as outlined in the other reports referred to above.

3. A recommendation to approve planning permission was presented to the Committee on 04 October 2021 for the reasons outlined in a composite report.
4. At the request of members, it was agreed that consideration of the application should be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
5. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of an addendum report along with the minute of the site visit are provided.
6. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impacts, modelling and for further comment to be provided..

Further Consideration

7. In December 2021, the applicant's consultant team provided additional information in relation to roads/traffic generation and access arrangements as requested. Clarification is provided in relation to the following matters:

Direct Access from A24 Saintfield Road

8. The submission [dated 3 December 2021] acknowledges that the A24 Saintfield Road forms part of the Protected Route network within the settlement development limit.
9. As advised previously, policy AMP 2 of PPS 3 – Access, Movement and Parking states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
 - a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
10. Policy AMP 3 provides direction in relation to Protected Routes within Settlement limits. It states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:
 - (a) where access cannot reasonably be taken from an adjacent minor road; or
 - (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of

access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

11. In this case and as previously advised, there are no minor roads bounding the site which would permit an alternative access route and as such, access via an existing access to the Saintfield Road is the only feasible access option to the site consistent with the requirements of policy AMP 3.
12. Advice received from DfI Roads dated 25 January 2022 also acknowledge that there is no minor road giving access to the site Furthermore, the advice provided notes that the proposal is for the use of an existing access and that it has not been demonstrated by the third party objectors that intensification of the use of the access would result from the proposed development. As such they do not consider the proposal to be contrary to Policy AMP 2.
13. This latest advice from DfI Roads also takes account of the operation of the right turn pocket serving the Brackenvale complex opposite together with the access service an existing premises on the same side along with the relatively high volume and speed of traffic using the Saintfield Road.

Development Proposals increase in traffic generation

14. In response to concerns raised by Members about traffic generation associated with the existing and proposed use of the site, the applicant's consultant team has advised that with transport analysis, there is an accepted methodology for carrying out traffic calculations and it is the land use that is compared against other land uses because businesses can come and go within the approved land use with different levels of traffic.
15. The submission advises that the methodology for deriving the proposed development daily vehicle trips is supported through the use of the TRICS database – an assessment tool which utilises surveyed vehicle generations of existing sites throughout the UK and Ireland to provide an anticipated vehicle generation for proposed sites yet to be constructed and represent recorded flows of existing sites.
16. This is assessed on the basis of the **proposed land use rather than a particular occupier** or operator since planning permission is granted for the land use and not an individual user.
17. The submission from the applicant notes that the representation in opposition to the application provides evidence based on the existing vehicle trips associated with the operation of the current site occupier and the associated daily vehicle movements of this specific business, rather than the existing site land use.
18. The submission explains that that the proposed development anticipates 207 two-way vehicle trips to the site per day which equates to an average of 17 two-way trips per hour.

19. That said, the submission also notes that it is widely accepted that the peak hours of operation at development sites equates to 10% of the total daily traffic flow and that taking this into consideration, that proposed development is anticipated to generate approximately 21 tow-way trips during the busiest hours of operation [one arrival and 1 departure every three minutes during peak operating times].
20. The applicant provides TRICs data in relation to a retail/warehouse land uses and proposed land uses. For convenience and ease of reference, the tables provided for in the applicants submission of 03 December 2021 are set out below.

Table 1 - Existing Site Layout 1st %ile TRICS Database Vehicle Trip Generations

Land Use	GFA	Trip Rate		Generated Trips		
		Arr	Dep	Arr	De p	Tota l
01/G Retail - Other Individual Non-Food Superstore	557	6.59	6.20	37	35	71
02/C Employment - Industrial Unit	814.5	0.27	0.35	2	3	6
Existing Site Layout 1st %ile TRICS Trip Generations				39	37	77

Table 2 - Proposed Site Layout 1st %ile TRICS Database Vehicle Trip Generations

Land Use	No. of Beds	Trip Rate		Generated Trips		
		Arr	Dep	Arr	Dep	Total
05/F Health - Care Home	86	0.39	0.35	33	30	63

Table 3 - Existing and Proposed Site Layouts 1st %ile TRICS Comparison

Land Use	Generated Trips		
	Arr	Dep	Total
Existing – Retail/ Industrial	39	37	77
Proposed – Care Home	33	30	63

21. The tables demonstrate that when comparable trip generation methodologies are used, the daily vehicle generations of the existing and proposed sites are broadly similar.

22. DfI Roads in correspondence dated 25 February 2022 provided clarification in relation to their consideration of the TRICS information provided by the applicant team in January 2022.
23. The advice explains that the TRICS database is the leading industry wide recognised tool used to analyse trip generation for a wide range of development types.
24. In this particular application it was used to provide trip figures firstly for the proposed development; and also secondly for the existing development, to enable a comparison.
25. To make the figures more robust, in the case of the proposed development the category considered was of a higher standard than that required; and for the existing development a lower threshold (retail, not including the warehousing) was used to generate trip numbers.
26. When compared it was noted that the number of trips associated with the application proposal were less than the figures associated with the existing development and therefore intensification of the existing access was not considered an issue.
27. It is DfI Roads' understanding that there was a previous history for retail development on this site. Whilst the Council clarify to DfI Roads that this decision is not an extant permission the policy circumstances are not changed in the intervening period and the TRICS analysis is therefore a material consideration to be weighed in the decision making process.

Traffic Safety

28. In response to concerns raised in relation to traffic safety, the applicant makes reference to proposed amendments to the existing access junction arrangement to include:
 - Existing right turning vehicles into the development site currently have no provision to wait clear of A24 southbound traffic and are forced to cross the segregation hatching between the northbound and southbound right turn lanes.
 - By implementing the changes proposed at the site access to accommodate a right refuge for turning vehicles into the site, this access arrangement will provide a betterment over existing provision.
 - The provision of a refuge will mean that traffic waiting to turn right will be off the mainline flow and will minimise vehicular conflict and accident risk over the existing situation.
29. A late representation from Merit Retail Ltd dated 1 November 2021 representing the owners of Brackenvale complex expresses concern that the Right turning pocket (RTP) was not shown accurately on the drawings.

30. Advice from DfI Roads dated 25 January 2022 confirms that this matter has been further considered by an internal design consultancy and traffic section and that taking cognisance of the speed and volume of traffic on the A24 Saintfield Road and its downward gradient approaching Brackenvale from the south, it is not deemed acceptable to compromise the safety of the access to Brackenvale by making a reduction [of 8 metres] to the RTP.
31. DfI Roads has advised that no alterations to the RTP are required and no issues in relation to the operation of the existing access are raised.
32. The Agent on behalf of the applicant team provided a set of revised plans on 24 February 2022 comprising the following:
 - Proposed Site Plan
 - Proposed Block Plan
 - Proposed Section
33. Related correspondence advises that the plans have been amended to address the direction from DfI Roads that there should be no alterations to the existing Right Turn Lane on Saintfield Road.
34. The drawings now reflect the existing situation on the ground along Saintfield Road, proposing no changes to the existing arrangement. Confirmation is provided that no further amendments have been made to the plans.
35. A further letter is provided from the applicant's roads consultant, Kevin McShane Ltd. This letter provides a review of and response to the latest DfI Roads consultation response and Matrix Planning Consultancy correspondence.
36. The letter acknowledges the planning policy context against which DfI Roads assessed the application and that the view that has been expressed is that the application is not contrary to planning policy for the reasons outlined in their response dated 25 January 2022.
37. The letter also acknowledges that the response from DfI Roads takes into account a recent representation from a neighbouring landowner [Merit Retail Ltd dated 01 November 2021].
38. The letter recognises that DfI Roads are the overseeing authority responsible for determining the traffic and transport implications of prospective applications on the road network and that the advice provided by the Department should be considered as an independent assessment of the application.

Accident History

39. The applicant's submission makes reference concern expressed by Members in relation to a historic level of road traffic collisions along A24 Saintfield Road. The following comments are made:
- None of the fatal collisions were at the proposed site access;
 - While the 3 serious collisions along the Brackenvale frontage between 1 June 2011 and 31 May 2021 are unfortunate, this must be viewed in the context of the 11,000, 000 traffic movements which occur on this stretch of road every year [source DfI Traffic and Travel Information report 2014].
 - Police enforcement efforts continue to be focused on reducing speed in the area and improving driver behaviour;
 - Traffic flows at the proposed land use will be consistent with the established land use.
 - Accordingly, the development proposals are highly unlikely to contribute to a deterioration of road traffic collision statistics;
 - The development proposals include amendments to the existing site access design which will reduce the likelihood of road traffic collisions.
40. Advice from DfI Roads dated 25 January 2022 confirms that road traffic collision data was discussed further with the PSNI Traffic Management Branch and that the Traffic Branch has confirmed that records held by DfI Roads and the branch are the same.
41. DfI Roads in correspondence dated 25 February 2022 provided further comment in relation to a further representation from a third party in relation to traffic accident information.
42. DfI Roads confirm that they have no reason to doubt the veracity of the information provided by an Agent acting on behalf of third parties about Road Traffic Collisions occurring on the Saintfield Road on 29th September 2021 and the 31st January 2022.
43. The third party objectors provide no contrary evidence of a history of traffic accidents associated with the operation of the existing access.
44. However, they advise that DFI Road collision history information only goes up to the end of March 2021, with annual details being provided to DFI by PSNI Traffic Branch every September.
45. That said and having spoken to PSNI Traffic Branch about these particular incidents, they would not comment, as they have a requirement to verify Road Traffic Collisions and complete legal action where necessary, before releasing details into the public domain. For this reason, the location and causation of these two incidents are unable to be determined.

Proposed access impact on existing junctions

46. In response to concern expressed about the impact of the proposed development access improvements on adjacent junctions along A24 Saintfield Road, the submission from the applicant team makes reference to proposed alterations to road markings to accommodate a right turn refuge into the site.
47. These proposed amendments were based on traffic flow surveys carried out by the applicant team the results of which when analysed demonstrated that the reduction in queuing capacity into the Brackenvale site to accommodate a right turn provision into the site could be delivered without detrimentally impacting the existing right turn lane provision.
48. DfI Roads were initially content with this proposal based on a review of the evidence provided. That said and in light of concerns expressed by Members, the matter was further considered by an internal design and consultancy and traffic sections and taking cognisance of the speed and volume of traffic on the A24 Saintfield Road and its downward gradient approaching Brackenvale from the south advice received indicated that it is not deemed acceptable to compromise the safety of the access to Brackenvale by reducing the Right Turn Provision.
49. With regard to concerns expressed in third party representations, about the impact of the proposed development on the delivery of access arrangements to an approved Hotel to the north, the submission from the applicant advises that it is there understanding that the site access to the future hotel site was constructed in 2015. This access is onto the Knockbracken Road and that this includes the provision of a right turn lane ghost island into Knockbracken Road south to the immediate north of the Brackenvale junction.
50. The proposed development does not propose any changes that would impact on the future hotel access junction.

Capacity Model of Proposed Access

51. The applicant's submission provides further information based on a junction capacity model of the proposed site access layout. For convenience and ease of reference, the results of the assessment is set out in the tables below.

Table 4 - Proposed Site Access Future Operation 2022

Junction Arm	2022 B+D			
	AM Peak Hour		PM Peak Hour	
	Max RFC	Max Queue	Max RFC	Max Queue
B-C - Left Turn Out of Site Access	0.01	0.0	0.01	0.0
B-A - Right Turn out of Site access	0.11	0.1	0.10	0.1
C-AB - Right Turn into Site	0.02	0.0	0.01	0.0

Access				
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Table 5 - Proposed Site Access Future Operation 2022

Junction Arm	2032 B+D			
	AM Peak Hour		PM Peak Hour	
	Max RFC	Max Queue	Max RFC	Max Queue
B-C - Left Turn Out of Site Access	0.01	0.0	0.01	0.0
B-A - Right Turn out of Site access	0.17	0.2	0.12	0.1
C-AB - Right Turn into Site Access	0.02	0.0	0.01	0.0

- 36. The applicant advises that the assessment demonstrates that the proposed site access junction is anticipated to operate well within capacity to the future design year 2032.
- 37. Whilst the submission expresses the view that the queuing at the proposed right turn lane is anticipated to be accommodated within the junction layout with no knock-on impact/ blocking back onto A24 Saintfield Road.
- 38. As explained above, recent advice from DfI Roads indicates that alterations to the Right Turn Provision are not required and not additional adjustments are recommended.
- 39. This direction is acknowledged by the Agent in correspondence received on 24 February 2022 along with amended drawings.

Further Representations

- 40. A further representation from an Agent acting on behalf of third party objectors was received on 01 February 2022. The correspondence to the position of DfI Roads being undermined as a result of the latest advice.
- 41. The advice now received from DfI Roads is based on a review of additional information provided late in the application process and following discussion with both their internal design consultancy and traffic sections, revised advice was provided. Whilst it is changed in part the general thrust of the advice is not and the recommendation of DfI Roads is still to approve.
- 42. The advice from DfI Roads throughout the application process and indeed in relation to an earlier application has been that intensification of the existing access has not been demonstrated to their satisfaction and that in their opinion,

- the access arrangements as proposed provide for a safe access that will not prejudice road safety or significantly inconvenience the flow of traffic.
43. In the absence of any more robust evidence to the contrary being provided, officers have no reason to disagree with both the conclusions reached by the applicant team and advice provided by DfI Roads in relation to intensification.
 44. The representation is critical of traffic survey information provided by the applicant team having been taken during a period of 'lockdown'.
 45. The applicant's consultant team provide clarification in this regard. The letter dated 24 February 2022 explains that the survey information referred to was used to support the provision of an amendment to the right turn lane access into the Brackenvale development to then accommodate a right turn provision into the proposed site.
 46. Now that the amendments to the Brackenvale right turn lane are no longer requested, the survey information is not required to be used as an evidence base.
 47. The applicant's consultant team does however point out that the previous submission on behalf of third party representatives [20 January 2021] relied upon camera survey data for vehicle trips associated with the current occupier to argue an intensification point. This survey information was recorded in November 2022 during the 'lockdown' period.
 48. The view is expressed that a Transport Assessment is required to support the application.
 49. Paragraph 2.1 of the Department's Transport Assessment Guidelines for Development Proposals in Northern Ireland explains that purpose of a Transport Assessment is to provide enough information for the Department to understand how the proposed development is likely to function in transport terms.
 50. It also explains that assessing the transport impacts in a systematic manner contributes towards understanding how more sustainable travel patterns might be achieved through changing travel behaviour. Transport Assessment also subsumes the former process of Traffic Impact Assessment.
 51. Paragraph 2.2 explains that the preparation and detail of a Transport Assessment will vary depending on the location, scale and nature of the proposed development and that an Assessment should, where appropriate, propose a package of measures designed to promote access to the site by walking, cycling and public transport, while reducing the role of car access as much as possible.
 52. Advice received from DfI Roads on 25 January 2022 advised that a full transport assessment and safety audit would be superfluous in assessing this

- application in terms of planning policy as it would only address the non-intensified site access and the road layout as exist.
53. In the absence of any further robust evidence being provided, officers have no reasons to question the advice provided by DfI Roads in this regard.
 54. In relation to additional traffic collision information, the matter has been considered by DfI Roads and no further comment is provided.
 55. The representation makes reference to history appeal [2005/A885] whereby the view is expressed that the approach taken by officers was contrary to the PAC consideration and that the Committee had not been advised of this fact.
 56. The committee are advised of the appeal decision but it does not change the fact that this proposal was assessed on its merits taking into account the current situation, evidence provided by the applicant team and scrutiny and advice provided by DfI Roads officials, the internal consultant and traffic sections.
 57. The representation fails to explain that the application to which these decision related was for the erection of a new build food store which by its very nature would attract higher numbers of visitors, result in intensification of the existing access and necessitate the need for a right turning lane. It also fails to highlight that the current approved business involve some direct sales to the public.
 58. The advice received from DfI Roads in this case is that a Transport Assessment is not required and that the proposal will not result in the intensification of the existing access. In the absence of further evidence being provided to the contrary, officers have no reason to disagree with the position held in this regard.
 59. The additional representation received does not raise any new information and the application has provided amendments in response to direction from DfI Roads that alterations to right turning lane into Brackenvale are not required.

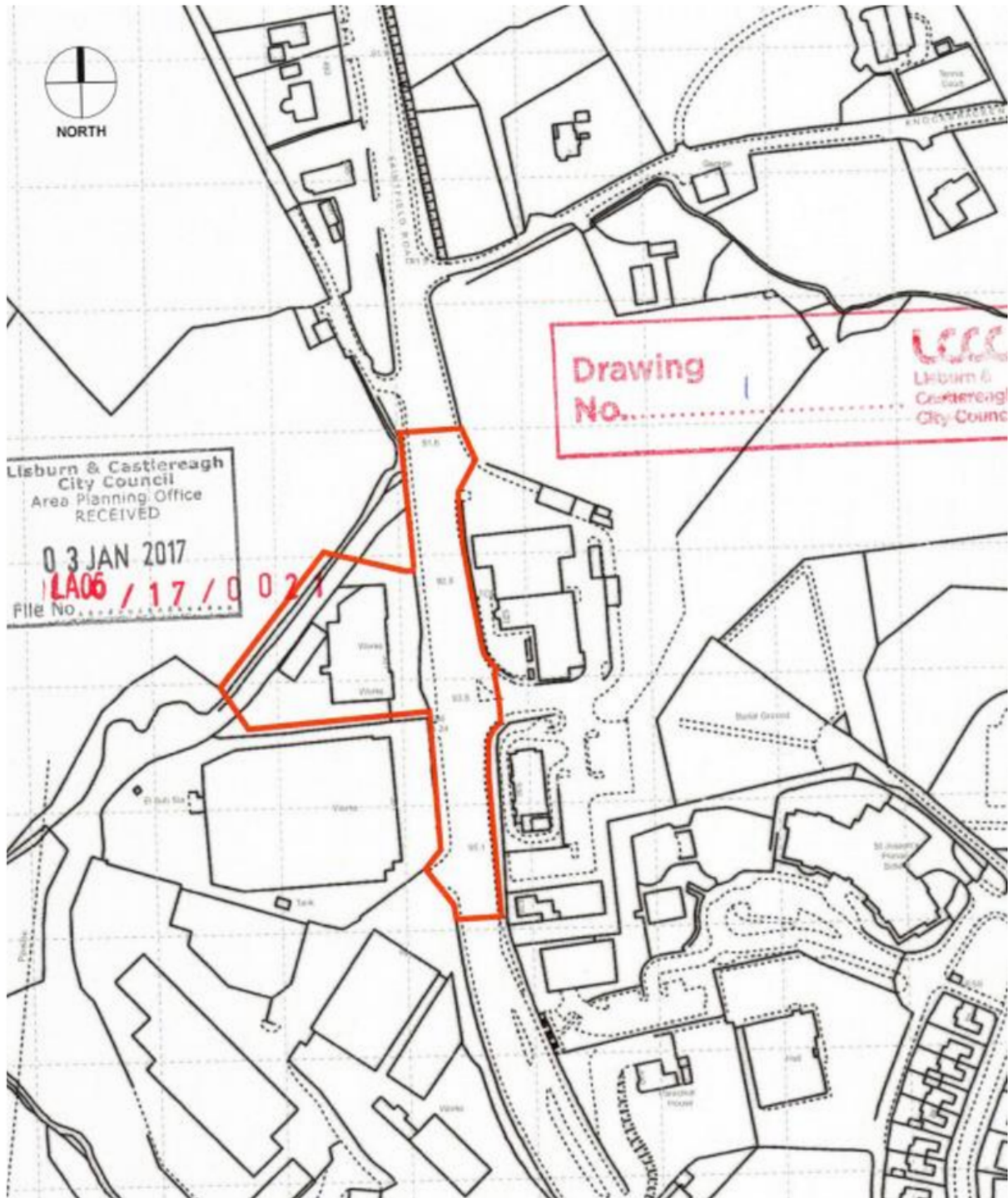
Conclusions

60. No new substantive evidence is provided that would change the recommendation set out in the composite report and the advice previously offered that planning permission be approved for the reasons indicated in the main officers report is not changed.
61. The detail of this second addendum report should be read in conjunction with the composite officers report previously presented to the Committee on 04 October 2021 and the addendum report presented on 1 November 2021.

Recommendations

62. It is recommended that planning permission is approved.

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	07 March 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Sixteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will be aware that this application had been withdrawn from the schedule of applications as presented to the Committee on the following occasions:
 - 07 December 2020 – Initial DM Officer Report
 - 02 August 2021 – First Addendum Report
 - 06 September 2021 – Second Addendum Report
 - 04 October 2021 – Composite Report
- The composite report brought together the chronology of assessments as outlined in the other reports referred to above.

3. A recommendation to approve planning permission was presented to the Committee on 04 October 2021 for the reasons outlined in a composite report.
4. At the request of members, it was agreed that consideration of the application should be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
5. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of an addendum report along with the minute of the site visit are provided.
6. At the November 2021 meeting, members agreed that consideration of the application should be deferred for a second time to allow for additional information in relation to the use of the existing access in terms of traffic impacts, modelling and for further comment to be provided..

Further Consideration

7. In December 2021, the applicant's consultant team provided additional information in relation to roads/traffic generation and access arrangements as requested. Clarification is provided in relation to the following matters:

Direct Access from A24 Saintfield Road

8. The submission [dated 3 December 2021] acknowledges that the A24 Saintfield Road forms part of the Protected Route network within the settlement development limit.
9. As advised previously, policy AMP 2 of PPS 3 – Access, Movement and Parking states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
 - a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
10. Policy AMP 3 provides direction in relation to Protected Routes within Settlement limits. It states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:
 - (a) where access cannot reasonably be taken from an adjacent minor road; or
 - (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of

access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

11. In this case and as previously advised, there are no minor roads bounding the site which would permit an alternative access route and as such, access via an existing access to the Saintfield Road is the only feasible access option to the site consistent with the requirements of policy AMP 3.
12. Advice received from DfI Roads dated 25 January 2022 also acknowledge that there is no minor road giving access to the site Furthermore, the advice provided notes that the proposal is for the use of an existing access and that it has not been demonstrated by the third party objectors that intensification of the use of the access would result from the proposed development. As such they do not consider the proposal to be contrary to Policy AMP 2.
13. This latest advice from DfI Roads also takes account of the operation of the right turn pocket serving the Brackenvale complex opposite together with the access service an existing premises on the same side along with the relatively high volume and speed of traffic using the Saintfield Road.

Development Proposals increase in traffic generation

14. In response to concerns raised by Members about traffic generation associated with the existing and proposed use of the site, the applicant's consultant team has advised that with transport analysis, there is an accepted methodology for carrying out traffic calculations and it is the land use that is compared against other land uses because businesses can come and go within the approved land use with different levels of traffic.
15. The submission advises that the methodology for deriving the proposed development daily vehicle trips is supported through the use of the TRICS database – an assessment tool which utilises surveyed vehicle generations of existing sites throughout the UK and Ireland to provide an anticipated vehicle generation for proposed sites yet to be constructed and represent recorded flows of existing sites.
16. This is assessed on the basis of the **proposed land use rather than a particular occupier** or operator since planning permission is granted for the land use and not an individual user.
17. The submission from the applicant notes that the representation in opposition to the application provides evidence based on the existing vehicle trips associated with the operation of the current site occupier and the associated daily vehicle movements of this specific business, rather than the existing site land use.
18. The submission explains that that the proposed development anticipates 207 two-way vehicle trips to the site per day which equates to an average of 17 two-way trips per hour.

19. That said, the submission also notes that it is widely accepted that the peak hours of operation at development sites equates to 10% of the total daily traffic flow and that taking this into consideration, that proposed development is anticipated to generate approximately 21 tow-way trips during the busiest hours of operation [one arrival and 1 departure every three minutes during peak operating times].
20. The applicant provides TRICS data in relation to a retail/warehouse land uses and proposed land uses. For convenience and ease of reference, the tables provided for in the applicants submission of 03 December 2021 are set out below.

Table 1 - Existing Site Layout 1st %ile TRICS Database Vehicle Trip Generations

Land Use	GFA	Trip Rate		Generated Trips		
		Arr	Dep	Arr	De p	Tota l
01/G Retail - Other Individual Non-Food Superstore	557	6.59	6.20	37	35	71
02/C Employment - Industrial Unit	814.5	0.27	0.35	2	3	6
Existing Site Layout 1st %ile TRICS Trip Generations				39	37	77

Table 2 - Proposed Site Layout 1st %ile TRICS Database Vehicle Trip Generations

Land Use	No. of Beds	Trip Rate		Generated Trips		
		Arr	Dep	Arr	Dep	Total
05/F Health - Care Home	86	0.39	0.35	33	30	63

Table 3 - Existing and Proposed Site Layouts 1st %ile TRICS Comparison

Land Use	Generated Trips		
	Arr	Dep	Total
Existing – Retail/ Industrial	39	37	77
Proposed – Care Home	33	30	63

21. The tables demonstrate that when comparable trip generation methodologies are used, the daily vehicle generations of the existing and proposed sites are broadly similar.

22. DfI Roads in correspondence dated 25 February 2022 provided clarification in relation to their consideration of the TRICS information provided by the applicant team in January 2022.
23. The advice explains that the TRICS database is the leading industry wide recognised tool used to analyse trip generation for a wide range of development types.
24. In this particular application it was used to provide trip figures firstly for the proposed development; and also secondly for the existing development, to enable a comparison.
25. To make the figures more robust, in the case of the proposed development the category considered was of a higher standard than that required; and for the existing development a lower threshold (retail, not including the warehousing) was used to generate trip numbers.
26. When compared it was noted that the number of trips associated with the application proposal were less than the figures associated with the existing development and therefore intensification of the existing access was not considered an issue.
27. It is DfI Roads' understanding that there was a previous history for retail development on this site. Whilst the Council clarify to DfI Roads that this decision is not an extant permission the policy circumstances are not changed in the intervening period and the TRICS analysis is therefore a material consideration to be weighed in the decision making process.

Traffic Safety

28. In response to concerns raised in relation to traffic safety, the applicant makes reference to proposed amendments to the existing access junction arrangement to include:
 - Existing right turning vehicles into the development site currently have no provision to wait clear of A24 southbound traffic and are forced to cross the segregation hatching between the northbound and southbound right turn lanes.
 - By implementing the changes proposed at the site access to accommodate a right refuge for turning vehicles into the site, this access arrangement will provide a betterment over existing provision.
 - The provision of a refuge will mean that traffic waiting to turn right will be off the mainline flow and will minimise vehicular conflict and accident risk over the existing situation.
29. A late representation from Merit Retail Ltd dated 1 November 2021 representing the owners of Brackenvale complex expresses concern that the Right turning pocket (RTP) was not shown accurately on the drawings.

30. Advice from DfI Roads dated 25 January 2022 confirms that this matter has been further considered by an internal design consultancy and traffic section and that taking cognisance of the speed and volume of traffic on the A24 Saintfield Road and its downward gradient approaching Brackenvale from the south, it is not deemed acceptable to compromise the safety of the access to Brackenvale by making a reduction [of 8 metres] to the RTP.
31. DfI Roads has advised that no alterations to the RTP are required and no issues in relation to the operation of the existing access are raised.
32. The Agent on behalf of the applicant team provided a set of revised plans on 24 February 2022 comprising the following:
 - Proposed Site Plan
 - Proposed Block Plan
 - Proposed Section
33. Related correspondence advises that the plans have been amended to address the direction from DfI Roads that there should be no alterations to the existing Right Turn Lane on Saintfield Road.
34. The drawings now reflect the existing situation on the ground along Saintfield Road, proposing no changes to the existing arrangement. Confirmation is provided that no further amendments have been made to the plans.
35. A further letter is provided from the applicant's roads consultant, Kevin McShane Ltd. This letter provides a review of and response to the latest DfI Roads consultation response and Matrix Planning Consultancy correspondence.
36. The letter acknowledges the planning policy context against which DfI Roads assessed the application and that the view that has been expressed is that the application is not contrary to planning policy for the reasons outlined in their response dated 25 January 2022.
37. The letter also acknowledges that the response from DfI Roads takes into account a recent representation from a neighbouring landowner [Merit Retail Ltd dated 01 November 2021].
38. The letter recognises that DfI Roads are the overseeing authority responsible for determining the traffic and transport implications of prospective applications on the road network and that the advice provided by the Department should be considered as an independent assessment of the application.

Accident History

39. The applicant's submission makes reference concern expressed by Members in relation to a historic level of road traffic collisions along A24 Saintfield Road. The following comments are made:
- None of the fatal collisions were at the proposed site access;
 - While the 3 serious collisions along the Brackenvale frontage between 1 June 2011 and 31 May 2021 are unfortunate, this must be viewed in the context of the 11,000, 000 traffic movements which occur on this stretch of road every year [source DfI Traffic and Travel Information report 2014].
 - Police enforcement efforts continue to be focused on reducing speed in the area and improving driver behaviour;
 - Traffic flows at the proposed land use will be consistent with the established land use.
 - Accordingly, the development proposals are highly unlikely to contribute to a deterioration of road traffic collision statistics;
 - The development proposals include amendments to the existing site access design which will reduce the likelihood of road traffic collisions.
40. Advice from DfI Roads dated 25 January 2022 confirms that road traffic collision data was discussed further with the PSNI Traffic Management Branch and that the Traffic Branch has confirmed that records held by DfI Roads and the branch are the same.
41. DfI Roads in correspondence dated 25 February 2022 provided further comment in relation to a further representation from a third party in relation to traffic accident information.
42. DfI Roads confirm that they have no reason to doubt the veracity of the information provided by an Agent acting on behalf of third parties about Road Traffic Collisions occurring on the Saintfield Road on 29th September 2021 and the 31st January 2022.
43. The third party objectors provide no contrary evidence of a history of traffic accidents associated with the operation of the existing access.
44. However, they advise that DFI Road collision history information only goes up to the end of March 2021, with annual details being provided to DFI by PSNI Traffic Branch every September.
45. That said and having spoken to PSNI Traffic Branch about these particular incidents, they would not comment, as they have a requirement to verify Road Traffic Collisions and complete legal action where necessary, before releasing details into the public domain. For this reason, the location and causation of these two incidents are unable to be determined.

Proposed access impact on existing junctions

46. In response to concern expressed about the impact of the proposed development access improvements on adjacent junctions along A24 Saintfield Road, the submission from the applicant team makes reference to proposed alterations to road markings to accommodate a right turn refuge into the site.
47. These proposed amendments were based on traffic flow surveys carried out by the applicant team the results of which when analysed demonstrated that the reduction in queuing capacity into the Brackenvale site to accommodate a right turn provision into the site could be delivered without detrimentally impacting the existing right turn lane provision.
48. DfI Roads were initially content with this proposal based on a review of the evidence provided. That said and in light of concerns expressed by Members, the matter was further considered by an internal design and consultancy and traffic sections and taking cognisance of the speed and volume of traffic on the A24 Saintfield Road and its downward gradient approaching Brackenvale from the south advice received indicated that it is not deemed acceptable to compromise the safety of the access to Brackenvale by reducing the Right Turn Provision.
49. With regard to concerns expressed in third party representations, about the impact of the proposed development on the delivery of access arrangements to an approved Hotel to the north, the submission from the applicant advises that it is there understanding that the site access to the future hotel site was constructed in 2015. This access is onto the Knockbracken Road and that this includes the provision of a right turn lane ghost island into Knockbracken Road south to the immediate north of the Brackenvale junction.
50. The proposed development does not propose any changes that would impact on the future hotel access junction.

Capacity Model of Proposed Access

51. The applicant's submission provides further information based on a junction capacity model of the proposed site access layout. For convenience and ease of reference, the results of the assessment is set out in the tables below.

Table 4 - Proposed Site Access Future Operation 2022

Junction Arm	2022 B+D			
	AM Peak Hour		PM Peak Hour	
	Max RFC	Max Queue	Max RFC	Max Queue
B-C - Left Turn Out of Site Access	0.01	0.0	0.01	0.0
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Access				
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Table 5 - Proposed Site Access Future Operation 2022

Junction Arm	2032 B+D			
	AM Peak Hour		PM Peak Hour	
	Max RFC	Max Queue	Max RFC	Max Queue
B-C - Left Turn Out of Site Access	0.01	0.0	0.01	0.0
B-A - Right Turn out of Site access	0.17	0.2	0.12	0.1
C-AB - Right Turn into Site Access	0.02	0.0	0.01	0.0

- 36. The applicant advises that the assessment demonstrates that the proposed site access junction is anticipated to operate well within capacity to the future design year 2032.
- 37. Whilst the submission expresses the view that the queuing at the proposed right turn lane is anticipated to be accommodated within the junction layout with no knock-on impact/ blocking back onto A24 Saintfield Road.
- 38. As explained above, recent advice from DfI Roads indicates that alterations to the Right Turn Provision are not required and not additional adjustments are recommended.
- 39. This direction is acknowledged by the Agent in correspondence received on 24 February 2022 along with amended drawings.

Further Representations

- 40. A further representation from an Agent acting on behalf of third party objectors was received on 01 February 2022. The correspondence to the position of DfI Roads being undermined as a result of the latest advice.
- 41. The advice now received from DfI Roads is based on a review of additional information provided late in the application process and following discussion with both their internal design consultancy and traffic sections, revised advice was provided. Whilst it is changed in part the general thrust of the advice is not and the recommendation of DfI Roads is still to approve.
- 42. The advice from DfI Roads throughout the application process and indeed in relation to an earlier application has been that intensification of the existing access has not been demonstrated to their satisfaction and that in their opinion,

the access arrangements as proposed provide for a safe access that will not prejudice road safety or significantly inconvenience the flow of traffic.

43. In the absence of any more robust evidence to the contrary being provided, officers have no reason to disagree with both the conclusions reached by the applicant team and advice provided by DfI Roads in relation to intensification.
44. The representation is critical of traffic survey information provided by the applicant team having been taken during a period of 'lockdown'.
45. The applicant's consultant team provide clarification in this regard. The letter dated 24 February 2022 explains that the survey information referred to was used to support the provision of an amendment to the right turn lane access into the Brackenvale development to then accommodate a right turn provision into the proposed site.
46. Now that the amendments to the Brackenvale right turn lane are no longer requested, the survey information is not required to be used as an evidence base.
47. The applicant's consultant team does however point out that the previous submission on behalf of third party representatives [20 January 2021] relied upon camera survey data for vehicle trips associated with the current occupier to argue an intensification point. This survey information was recorded in November 2022 during the 'lockdown' period.
48. The view is expressed that a Transport Assessment is required to support the application.
49. Paragraph 2.1 of the Department's Transport Assessment Guidelines for Development Proposals in Northern Ireland explains that purpose of a Transport Assessment is to provide enough information for the Department to understand how the proposed development is likely to function in transport terms.
50. It also explains that assessing the transport impacts in a systematic manner contributes towards understanding how more sustainable travel patterns might be achieved through changing travel behaviour. Transport Assessment also subsumes the former process of Traffic Impact Assessment.
51. Paragraph 2.2 explains that the preparation and detail of a Transport Assessment will vary depending on the location, scale and nature of the proposed development and that an Assessment should, where appropriate, propose a package of measures designed to promote access to the site by walking, cycling and public transport, while reducing the role of car access as much as possible.
52. Advice received from DfI Roads on 25 January 2022 advised that a full transport assessment and safety audit would be superfluous in assessing this

- application in terms of planning policy as it would only address the non-intensified site access and the road layout as exist.
53. In the absence of any further robust evidence being provided, officers have no reasons to question the advice provided by DfI Roads in this regard.
 54. In relation to additional traffic collision information, the matter has been considered by DfI Roads and no further comment is provided.
 55. The representation makes reference to history appeal [2005/A885] whereby the view is expressed that the approach taken by officers was contrary to the PAC consideration and that the Committee had not been advised of this fact.
 56. The committee are advised of the appeal decision but it does not change the fact that this proposal was assessed on its merits taking into account the current situation, evidence provided by the applicant team and scrutiny and advice provided by DfI Roads officials, the internal consultant and traffic sections.
 57. The representation fails to explain that the application to which these decision related was for the erection of a new build food store which by its very nature would attract higher numbers of visitors, result in intensification of the existing access and necessitate the need for a right turning lane. It also fails to highlight that the current approved business involve some direct sales to the public.
 58. The advice received from DfI Roads in this case is that a Transport Assessment is not required and that the proposal will not result in the intensification of the existing access. In the absence of further evidence being provided to the contrary, officers have no reason to disagree with the position held in this regard.
 59. The additional representation received does not raise any new information and the application has provided amendments in response to direction from DfI Roads that alterations to right turning lane into Brackenvale are not required.

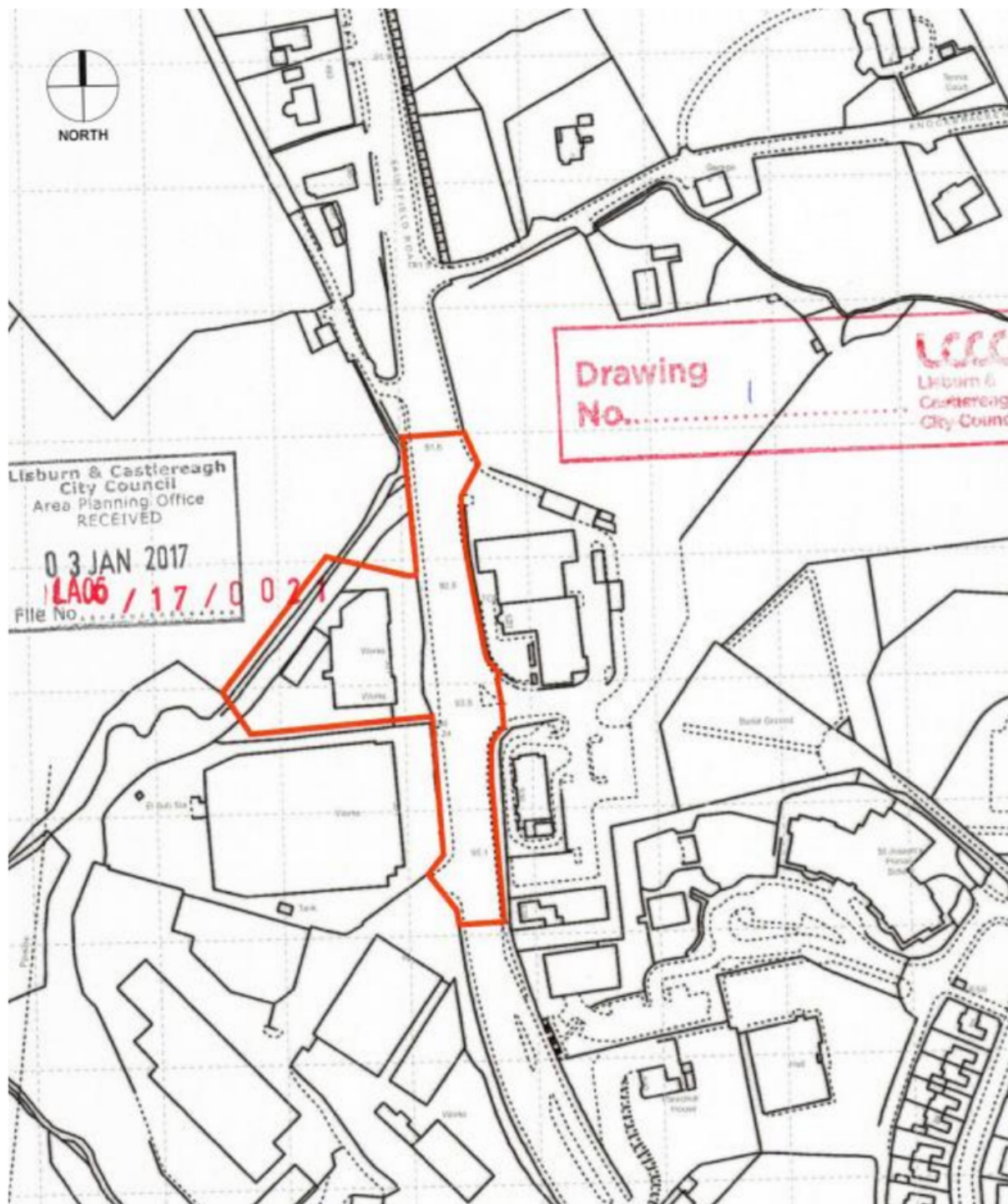
Conclusions

60. No new substantive evidence is provided that would change the recommendation set out in the composite report and the advice previously offered that planning permission be approved for the reasons indicated in the main officers report is not changed.
61. The detail of this second addendum report should be read in conjunction with the composite officers report previously presented to the Committee on 04 October 2021 and the addendum report presented on 1 November 2021.

Recommendations

62. It is recommended that planning permission is approved.

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	01 November 2021
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Thirteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

- Members will note that this application has been withdrawn from the schedule of applications as presented to the Committee on the following occasions:
 - 07 December 2020 – Initial DM Officer Report
 - 02 August 2021 – First Addendum Report
 - 06 September 2021 – Second Addendum Report
 - 04 October 2021 – Composite Report
- This composite report brings together the chronology of assessments as outlined in the other reports referred to above.
- A recommendation to approve planning permission was presented to the Committee on 04 October 2021 for the reasons outlined in a composite report.

4. At the request of members, it was agreed that consideration of the application should be deferred to allow for a site meeting to be arranged to enable Members to view the site within its surrounding context.
5. A site visit was facilitated on Friday 15 October 2021. A minute of the meeting was taken which informs the detail of this report. This is provided at **Appendix 1.2(b)**.

Further Consideration

6. Members were reminded at the site visit of the background to the application. The extent of the application site and its boundaries were outlined using a site location and site layout plan and had the opportunity to view the proposed development in the context of the existing buildings.

Road Enhancements/Modelling

7. Members having observed the current access arrangements to the site from the Saintfield Road sought clarification on the proposed enhancements to the existing right turning lanes and road markings.
8. Clarification on roads related concerns is provided in a supporting statement from Karen McShane Ltd on behalf of the applicant team dated 15 April 2021.
9. The document advises that implementing the changes proposed at the site access to accommodate a right refuge for turning vehicles into the site, will provide a betterment over existing access arrangements that will mean that traffic waiting to turn right will be off the main flow and will minimise vehicular conflict and accident risk over the existing situation.
10. Evidence in support of this conclusion advises that a review of existing right turning vehicles into both Brackenvale and the adjacent accident repair centre has been carried out to assist with our understanding of the potential impact on the introduction of the proposed site access arrangements on existing conditions.
11. A right had turning pocket is not required for this or the neighbouring development as the scale of development in either site does not generate more than 500 vehicle movements.
12. That said advice is offered indicating that the existing right turn lane provision into Brackenvale is approximately 78 metres in length and can accommodate approximately 12 Passenger Carrying Unit (PCU) queuing before exceeding its capacity (PCU – Passenger Carrying Unit length 5.75m or approximately a car length). The existing right turn provision into the adjacent Accident Repair

Centre is 18 metres in length (excluding direct taper distance) and can accommodate approximately 3 PCU queuing before exceeding capacity. There is some capacity to alter the white lines on the road to allow for betterment in the access arrangements to this site.

13. The proposed site access arrangement aims to reduce the existing right turn lane capacity into Brackenvale by approximately one vehicle length to accommodate a right turn refuge into the development site. This leaves capacity for approximately 11 PCUs in the right turn lane to Brackenvale.
14. The right turn provision into the adjacent Accident Repair Centre will remain unaltered.
15. This evidence demonstrated that the proposed care home site access arrangement could be delivered without detrimentally impacting the existing right turn provision.
16. Advice received from DfI Roads remains as previously advised in that the proposed access arrangements are in accordance with prevailing guidance and that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Acoustic Barriers

17. Paragraph 222 of the composite officer report advises that triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses.
18. The building is set back into the site from the Saintfield Road in order to minimise the impact on the residents from any traffic noise from the Saintfield Road. The proposed buffer planting along the site frontage will help to screen the development from the Saintfield Road.
19. The proposed acoustic barrier is shown to extend along the boundary of the site with the adjacent car repair business. A barrier is also shown to enclose the access into the underground parking area.
20. Whilst no specific details are provided of the materials to be used in the construction of the barrier, advice from the Councils Environmental Health Unit recommends that a 1.8 metre high acoustic barrier is erected along the sites boundary as presented on the site plan drawing prior to the commencement of any works and that this barrier should be constructed of suitable material (with no gaps), should have a minimum self-weight of 6 kg/m² and so retained thereafter.
21. The Council's Environmental Health Unit raise no objections to the proposal on the grounds of noise or nuisance associated with the operation of the vehicle repairs workshop.

Amenity Provision

22. Paragraph 121 of the composite officer report explains that amenity space for the development is proposed to the south and east of the building in the form of communal grassed courtyards. The provision is considered sufficient to meet the requirements of the future residents and will serve as a visual amenity more so than functional amenity space.
23. The DCAN does not specify a quantum of amenity space for this type of development It does however advise that it is important to ensure that the design and layout of buildings on site are satisfactory in themselves and in relation to adjoining properties and regard is have to the provision of garden amenity space for use by residents
24. The new landscaping proposed throughout the site in the form of new planting, green areas and a landscaped communal area to the front of the building is considered to be acceptable.

Residential and Nursing Home Use

25. Within the Use Classes Order 2015, Class C3: Residential institutions Use allows for
 - (a) for the provision of residential accommodation and care to people in need of care (other than a use within Class C1 (Dwellinghouses));
 - (b) as a hospital or nursing home; or
 - (c) as a residential school, college or training centre.
26. The Use Classes Order allows for a change of use to take place within the same class without the need for planning permission. That said, the certificate of lawful development process provides the mechanism for providing such formal confirmation.

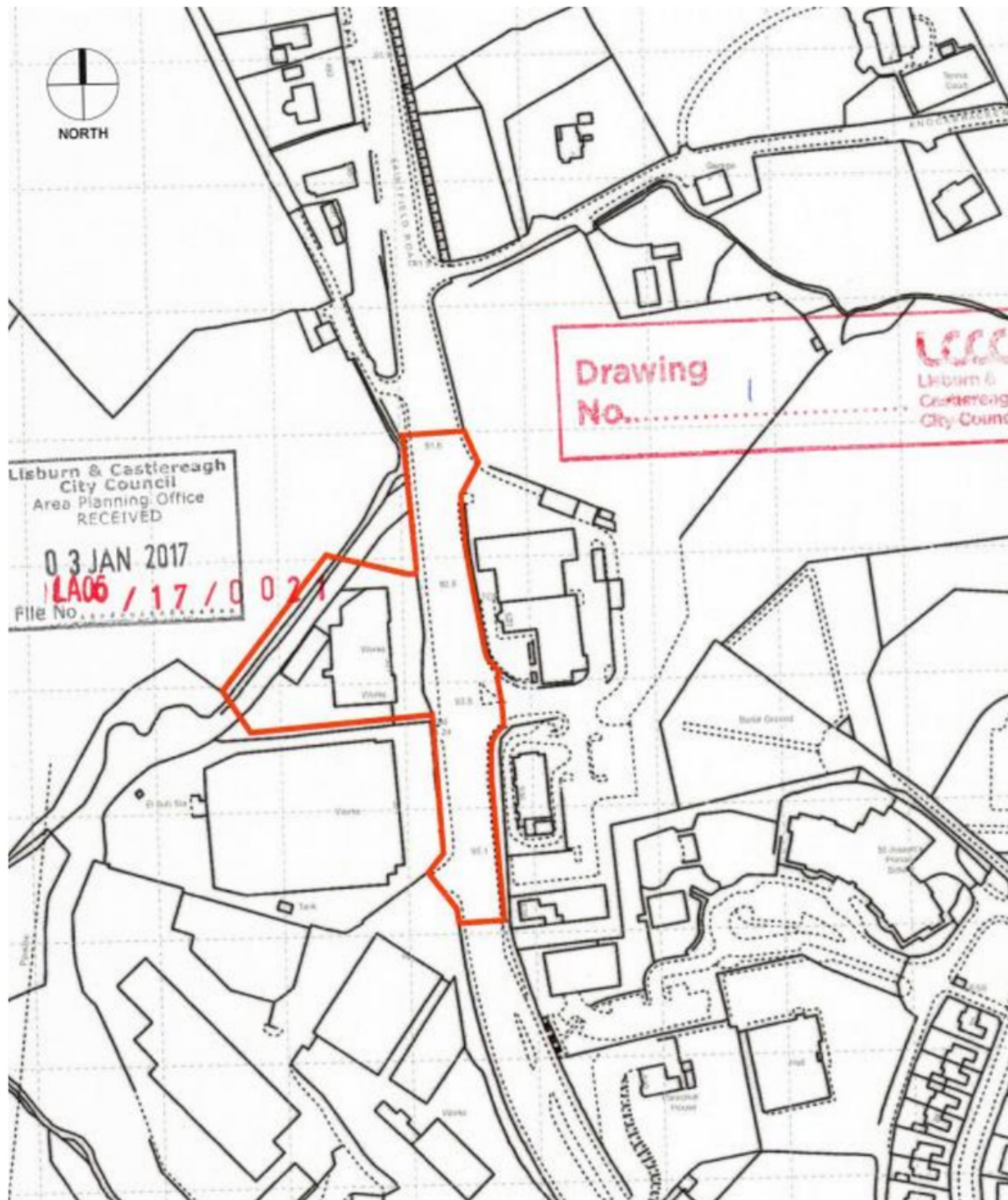
Conclusions

27. No new substantive evidence is available that would change the recommendation set out in the composite report and the advice previously offered that planning permission be refused for the reasons main indicated is not changed.
28. The detail of this addendum report should be read in conjunction with the composite officers report previously presented to the Committee on 04 October 2021.

Recommendations

29. It is recommended that planning permission is approved.

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 October 2021
Committee Interest	Local Application (Called In)
Application Reference	LA05/2017/0021/F
Date of Application	10 January 2017
District Electoral Area	Castlereagh South
Proposal Description	Demolition of existing buildings and erection of a Care Home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing
Location	531 Saintfield Road, Belfast, BT8 8ES
Representations	Thirteen
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation of approve as it is considered that greater material weight should be attached to the fact that this portion of the individual employment zoning has changed to retail use and that it is unlikely for the reasons set out in the report to revert back to employment uses as currently defined in Part B – Industrial and Business Use of the Planning (Use Classes Order) Northern Ireland 2015.

3. Members will note that this application has been withdrawn from the schedule of applications as presented to the Committee on the following occasions:

07 December 2020 – Initial DM Officer Report

02 August 2021 – First Addendum Report

06 September 2021 – Second Addendum Report

4. This composite report brings together the chronology of assessments as outlined in the reports referred to above.
5. Addressing the substance of the submission whilst the proposal will result in the loss of a small portion of land zoned for economic development use the planning history carries weight in the assessment in that it demonstrates that the land use classification of this part of the site has through previous permissions allowed for A1 retailing uses.
6. The special circumstances of this case as demonstrated in the report are considered to outweigh the preferred policy option of retaining the land for economic development use.
7. Significant weight is also attached to other material considerations in respect of the current site and buildings not being fit for modern employment use; the associated economic benefits in terms of job creation; a commitment to employ skilled people; generate income locally and create additional expenditure in the supply chain.
8. The proposed development is considered to comply with the SPPS and Policy PED 8 of PPS 4 in that its location at the edge of the northern most edge of the employment zoning and the edge of the settlement limit along with the proposed mitigation demonstrate that the development is not likely to impact on the continued operation of adjacent businesses including those more distant from the site.
9. The proposed development complies with the SPPS and Policy NH2 of PPS 2 in that the detail submitted demonstrates that the proposed development is not likely to harm a European Protected Species.
10. The proposal complies with the SPPS and policies AMP 2 and AMP 3 of PPS 3 in that the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic for the reasons detailed in the report.
11. The proposal complies with the SPPS and PPS 15 in that detail submitted with the application demonstrates that surface run off associated with the development when compared with existing run-off is considered to be negligible and mitigation measures outlined in the drainage assessment which include the provision of porous pavements, further drains and source control measures to allow rain water and run off to infiltrate into permeable material below ground and provide storage are acceptable.

Description of Site and Surroundings

12. The site is comprised of single storey buildings constructed of rendered block and corrugated metal cladding with hard standings to the east, west and south.
13. Ground levels within the site fall gradually from south to north and more markedly from east to west.
14. The eastern boundary is adjacent to the Saintfield Road and defined by a low wall.
15. The access is at the south eastern corner and car parking to the front of the buildings behind the wall.
16. The southern boundary is defined by a 2.5 metre brick wall and fence.
17. The western site boundary is defined by a small watercourse, its eastern bank, within the existing site is undefined but for scrub vegetation and deciduous trees over its northern half.
18. The northern site boundary is defined by a 2 metre chain link fence.
19. Industrial buildings are located adjacent and extend approximately 200 metres south of the site. The western extent of these buildings, and that of the application site demarks the settlement limit, with rural lands beyond. East of the site is Brackenvale Service Station and a fast food restaurant.

Proposed Development

20. The application is for the demolition of existing buildings and erection of care home Class 3(b) of the Schedule of the Planning (Use Class) order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing.
21. The following documents were submitted in support of the application:
 - Planning Statement dated December 2016
 - Planning Statement – Amended Proposal – dated September 2018
 - Additional Supporting Statement – dated September 2019
 - Clarification Statement on Local Development Plan – October 2020
 - Design and Access Statement
 - Transport Assessment Form
 - Phase 1 – Site Investigation Report
 - Preliminary Ecological Appraisal and Assessment
 - Noise and Odour Impact Assessment

22. Inconsistencies in drawings whereby the footprint of the proposed nursing home had not been updated to match the drawing which provided details of visibility splays has been addressed with the submission of an amended plan.

Relevant Planning History

23. The relevant planning history associated with the application site is set out in the table below:

Application Reference	Proposal	Decision
Y/1990/0273/F	Extension to existing workshop and provision of additional storage facilities.	Approved 30/01/1991
Y/1992/0057/F	Extension to existing joinery and shop fitting premises	Approved 21/03/1992
Y/2002/0210/F	Change of use from existing workshop, stores, display showroom, and offices to provide furniture display/showroom, ancillary offices and storage	Approved 13/11/2002
Y/2003/0520/F	Variation of Conditions 2 and 3, removal of Condition 4 of approval Y/2002/0210/F.	Appeal Allowed 16/03/2004
Y/2004/0428/F	Alterations to Conditions 1 and 3 of Y/2003/0520/F.	Approved 05/07/2005
Y/2005/0429/O	Construction of food store and related works.	Appeal Dismissed 26/02/2007
LA05/2015/0726/F	Demolition of existing retail buildings and erection of building providing care to the elderly within Class 3(b) of the schedule to the planning (Use classes) Order (NI) 2015 comprising bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation, modification of an existing access to a public road and provision of area for car parking and servicing.	Refused 04/04/2020

Planning Policy Context

24. The relevant planning policy context which relates to the application is as follows:

- Regional Development Strategy (RDS) 2035
- Carryduff Local Plan
- Draft Belfast Metropolitan Area Plan (dBMAP) 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 2 – Natural Heritage
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement 4 (PPS 4) – Planning and Economic Development
- Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
- Planning Guidance –
 - Development Control advice Note 9 – Residential and Nursing Homes
 - Development Control advice Note 15 - Vehicular Access Standards

Consultations

25. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
NI Water	No objection
Environmental Health	No Objection
DAERA – Water Management Unit	No objection
DAERA – Natural Heritage Unit	No Objection
DfI Rivers Agency	No objection

Representations

26. Twelve letters of representation have been received in opposition to this proposal. The following issues are raised:

- Not Compatible with existing land use
- Repeat Application
- Traffic
- Noise Nuisance and Disturbance
- Design and Integration
- Natural Heritage
- Inconsistency/Incompatible drawings
- Neighbour Notification/Advertising
- Intensification and Road Safety

27. One letter of support was received from Killynure Community Association in recognition of the need for a nursing home in Carryduff and the economic benefits associated with the development in terms of job creation for the local community.

Consideration and Assessment

28. The main issues to consider in the determination of this planning application are:
- Environmental Impact Assessment
 - Regional Development Strategy
 - Local Development Plan
 - Principle of Development
 - Planning History
 - Economic Development
 - Other Material Considerations
 - Planning Guidance
 - Natural Heritage Considerations
 - Access, Movement and Parking
 - Flood Risk and Drainage
 - Contaminated Land

Environmental Impact Assessment

29. The application was considered to fall within Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2015 in that it was considered that the application provided for an urban development project whereby the site area exceeded 0.5 hectares.
30. A determination carried out in April 2017 indicated that the likely environmental effects of the project were likely to relate to visual impact and impact on flora and fauna.
31. The view expressed in the determination was that the environmental effects were not likely to be significant and that an environmental statement was not required.

Regional Development Strategy

32. The Revised Regional Development Strategy (RDS) 2035 was published in 2010. It is the spatial strategy of the Stormont Executive and it seeks to deliver the spatial aspects of the Programme for Government (PfG).
33. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy

requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.

34. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exists across Northern Ireland to facilitate economic growth.

Local Development Plan Context

35. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
36. The adopted BMAP 2015 was quashed by a judgement of the Courts on the 18th May 2017, as a consequence the Lisburn Area Plan 2001 is now the statutory up to date LDP. Draft BMAP remains a material consideration.
37. Within the Carryduff Local Plan the site is inside the settlement limit of Carryduff.
38. Within the draft BMAP 2015 the site is within the settlement limit of Carryduff on land zoned as existing employment land.
39. In November 2019 the Chief Planner for Northern Ireland issued a publication which advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report remains as material considerations to be weighed by the decision-maker.
40. In October 2020, the Agent submitted a statement in response to the direction provided by the Chief Planner.
41. It acknowledged at paragraph 3.7 that the site contained buildings that were currently in use for retail, that was located on unzoned land in the Carryduff Local Plan and that there are no local policies contained with the Carryduff Plan that would prohibit the redevelopment of the site as a nursing home subject to meeting all other planning and environmental considerations.
42. It was also acknowledged however that draft BMAP remains a material consideration in the assessment of the application. In this context, the statement recognised that the site lies within an area identified in draft BMAP as a major area of existing employment/industrial land and that draft BMAP does not identify any specific policy as to how to address the redevelopment of a site of non- employment use on zoned land to an alternate use.
43. It is stated in the 2015 revision to the draft BMAP that the developed portions of zonings from previous Area Plans and other lands currently in employment use are zoned in order to retain them for employment purposes.

44. This is not policy however and the weight to be attached to this statement in a draft Plan is limited and must be reconciled against prevailing and retained regional policy as directed in the relevant policy sections of the Plan.
45. Taking into account the Local Development Plan context, material weight is afforded to the draft plan and the PAC inquiry report and the principle of the development of this land is weighed primarily against those policies associated within the zoning in draft BMAP.
46. Whilst residential care facility falls under Class C3 (Residential Institutions) of Part C of the Planning (Use Classes) Order (Northern Ireland) 2015 it still falls within the general meaning of a residential. This is a use not normally found on zoned industrial land and the compatibility of the proposed development at this location is examined in detail in the following sections.

Principle of Development

47. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation.
48. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
49. Under the SPPS, the guiding principle for planning authorities in determining planning applications 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.
50. Having considered the content of the SPPS against the retained policies set out in PPS 4 Economic Development; PPS3 Access, Movement and Parking; and PPS 2 Natural Heritage no distinguishable differences are found that should be reconciled in favour of the SPPS.
51. The application therefore falls to be assessed against prevailing policy tests taking into account the planning history and planning guidance associated Development Control Advice Note 9 in so far as it relates to Nursing Homes.
52. Acknowledging that a general policy presumption against the loss of this employment land in the SPPS and the retained policies in PPS4 the appropriateness of the development of a small proportion of the lands zoned for employment use for a residential development is considered in the next sections.

Planning History

53. The planning history is an important material consideration to be weighed in this assessment.
54. Planning permission was granted on this site in 2002 for a change of use from existing workshop, stores, display showroom, and offices plus alterations to provide furniture display/showroom plus ancillary offices and storage and alterations to the existing car park layout (Y/2002/0210/F).
55. Permission was subsequently granted on appeal to vary/remove conditions associated with this permission to effectively allow for the sale of goods from the site (Y/2003/0520/F - PAC Ref 2003/A281).
56. A subsequent appeal 2005/A885 sought permission for an open class retail food store on the site. Whilst this application was unsuccessful on appeal the report of the PAC noted that '...the Department has already approved retail development on the appeal site and although now zoned as employment/industrial land, the retail use has already been conceded on this particular plot which represents only a small portion of the overall land included within zoning CF11. On this basis, I do not consider that rejection of the appeal proposal on the basis of conflict with the proposed zoning would be justified.'
57. It is therefore concluded that the use of the land as employment/industry has been conceded to a use other than 'businesses' as defined in PPS4. Furthermore, the site remains in retail use today as a showroom for sale of kitchens to the general public.
58. The land use zoning does not logically follow the history of the site. However, for the purpose of consistency the proposal is considered within the same broad parameters as outlined in the PAC decision.

Economic Development

59. Paragraph 4.18 of the SPPS recognises that a modern, efficient and effective planning system is essential to supporting wider government policy, in its efforts to promote long term economic growth.
60. Strategic policy directs that planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities.
61. PPS 4 Planning and Economic Development sets out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.

Retention of Zoned Land and Economic Development Uses

62. Policy PED 7 Retention of Zoned Land and Economic Development Uses states that development that would result in the loss of land or buildings zoned for economic development uses in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless zoned land has been substantially developed for alternative uses.
63. The application insofar as it comprises a residential Nursing Home, is contrary to both the SPPS and policy PED7 of PPS4 in that it will result in the loss of a small portion of land zoned for economic development uses.
64. That said, and as the planning history demonstrates that the land use classification of this part of the site has through previous permissions allowed for A1 retailing uses and that retail is the current use.
65. With regard to the planning advice note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses paragraph 16 requires that in the case of applications involving a departure from a development plan zoning (such as this application), planning officers should be satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.
66. At paragraph 21, the Planning Advice Note lists a number of other planning considerations which may be pertinent when making balanced judgements on the merits of a particular case of the potential loss of economic development including the views expressed by all other interested parties, accessibility to the regional transportation network, potential to regenerate existing urban areas, accessibility to every member of the community, consideration of why the site is no longer required or suitable, evidence of the availability of alternative sites for economic development use, compatibility with neighbouring land uses, views of statutory consultees and availability of adequate services and infrastructure. Further consideration of these issues are set out next sections.

Development incompatible with Economic Development Uses

67. PED 8 – Development incompatible with Economic Development Uses states that a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice future operation will be refused.
68. Paragraph 5.33 of the justification and amplification to PED 8 states that such cases can arise where the particular processes being carried out have a tendency to cause adverse effects of some kind on adjacent land, even when all reasonable remedial measures have been taken by the operator.

69. The application site is located at the northern most edge of the employment zoning (CF09) just on the edge of the settlement limit of Carryduff as designated in draft BMAP.
70. It is acknowledged that a vehicle repair business operates on adjacent site to the immediate south. Whilst the characteristics of such a business are such that noise, particularly from the body repair workshop and emissions from the process of vehicle spray painting and testing may give rise to adverse effects upon the operation of a nursing home at this location.
71. That said, mitigations measures proposed as part of the application include:
 - The repositioning of the proposed building away from the southern boundary of the site;
 - the closest residential room is sited 17 metres away from this boundary;
 - Addition of a 2.25 metre wide buffer of structured tree and shrub planting on the southern and eastern boundaries;
 - A 1.8 metre high acoustic fence along the entire southern boundary;
 - A 1.8 metre high acoustic fence around the basement access ramp;
 - A 1.8 metre high rendered wall along the eastern boundary with the Saintfield Road; and
 - A comprehensive landscape plan for the entire site along with a maintenance and management plan.
72. An amended noise assessment outlines the acoustic benefits of the amendments outlined above and the landscape plan serves to define the site and provide a distinction between it and the most immediate adjoining land use.
73. In light of the above, it is considered that the operation of a nursing home at this location is not likely to prejudice the use of the adjacent lands including those more distant from the application site for economic purposes.

Other Material Considerations

74. As indicated above, Section 6(4) of the Planning Act (NI) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
75. In this case, the agent has requested that a number of other material considerations be weighed in the assessment of this application including
 - the current retail use;
 - the current site/ building not fit for purpose;
 - economic benefits; and
 - the need for the facility

Current Retail Use

76. As demonstrated above, the planning history and comments by the PAC in relation to Y/2003/0520/F (2003/A281) and Y/2005/0429/F (2005/A885) have removed the protection afforded by the employment zoning and has allowed for the lands to operate as a retail use.
77. The agent has confirmed in their statement that it is unlikely to ever revert back to employment use and no evidence is submitted to prove otherwise.

Current site/ building not fit for purpose

78. An argument is advanced supported with evidence set out in a report by Colliers International to demonstrate why the site is no longer fit for employment related purposes. A summary of the main points are outlined below:
 - The current site and building is second or third generation warehousing and is reaching the end of its economic lifecycle and needs investment.
 - The ability to service the site is difficult given its current configuration. There is no access to the rear of the existing building and no turning circle. It is impossible for 40 foot lorries to service the site.
 - The site is not large enough to create a footprint to make a new development economically viable.
 - The current building is not in an area where there are any inquiries for employment lands. Enquires are mainly for the existing industrial lands on the Comber Road in Carryduff.
 - New businesses are attracted towards sites in more established industrial areas to cluster and satisfy their key occupational requirements something which the subject site clearly cannot do.
79. Taking into account the existing use, the argument advanced in this regard is not unreasonable and robust evidence is provided to support a case that the existing building/land is unlikely to be developed in the future for an acceptable employment use particularly given the fact that the current use of the site is retail.

Economic Benefits

80. With regard to Economic Benefits to the immediate area, supporting information provided by the Agent identified the following benefits:
 - Job Creation
 - Commitment to People
 - Local Incomes and Expenditure
 - Wider Community Benefits

81. In terms of Job Creation, supporting documentation advises that
- 40/45 direct construction jobs based on a build cost of approximately £5.5 million will be created by the development.
 - Operational staff when nursing home is up and running will include 2 teams of 32 members based on a 12 hour shift pattern which equals 64 full time jobs.
 - At night time two carers and one nurse is required per unit which equates to 12 staff. Over a 7 days period 2 shifts are required to service when fully operational this equates to 24 full time equivalent jobs.
 - Over a 7 day period a total 88 full time jobs will be created with each job averaging 42 hours.

Commitment to People

82. In relation to commitment to people, supporting information indicates that the Macklin Group recognises the importance of cherishing and developing staff and that they have an award winning recruitment, training and staff development program. Evidence also demonstrates that the Group has a high proportion of long serving team members with over 55% of members having between 5 and 30 years of service.
83. Tenure and quality of employment are identified as critical elements of staff retention and business sustainability which is important in securing and sustaining such an important service within a local community.

Local Incomes and Expenditure

84. Supporting information includes details of salaries and total staff costs equating to direct salary payments of over £2 million per annum.
85. The view is expressed that it is expected that the majority of staff will be drawn from the local area and as such, a significant proportion of the spending power associated with salaries will be retained locally, supporting local shops and services.
86. In addition, the development will have supply chain benefits in the region of £1 million with all of the group supplies being based in Northern Ireland.

Wider Community Benefits

87. The statement provided indicates that high quality care home services is recognised as having a positive impact on NHS Services and the proposed development will assist directly in freeing up valuable local NHS resources and services.
88. Based on the evidence submitted in relation to the economic benefits, it is accepted that the proposed development in securing the delivery of 64 direct jobs at the site alone with potential gross total of 110 full time equivalent jobs in the local and wider economy once direct jobs and indirect employment in the supply chain of the business is taken into account contributes significantly to the local job targets for the Council area and carries significant weight in the assessment of the application.
89. It is also considered that the value that such an established Group will bring to the Council Area will in itself bring added benefits in terms of development and nurturing of people within the Council area.
90. The potential incomes offered and anticipated expenditure will without doubt bring benefits in terms of money being spent in the local economy.
91. Whilst the net benefit to the wider community is not quantified in financial terms, the benefits socially of a high quality nursing home are widely accepted.

Need for Nursing Home

92. Additional information provide in support of the application demonstrates the nursing home provision in the immediate area currently.
93. In summary, Carryduff has two nursing homes, Carryduff Nursing Home and Hollygate which between them have 37 single rooms and 7 shared.
94. Saintfield Lodge Care Home provides 51 single rooms and is on the road to Belfast.
95. The ageing population in the council area continues to rise and as such, the need in the future to meet demand of the area is recognised.
96. The nursing home proposed would provide an additional 86 rooms which would go towards meeting future demand for care home places in the area and relief some of the pressures faced by NHS staff and services.

Planning Guidance

97. Turning to the detail of the application itself and whilst there is no specific planning policy for residential care facilities the guidance contained in Development Control advice Note 9 – Residential and Nursing Homes (DCAN 9) is relevant to this assessment.
98. As explained above, this application is for full permission for a nursing home,
99. The guidance contained in DCAN 9 indicates that it is to be expected that, other than in exceptional circumstances that residential and nursing homes will be located in cities, towns and villages where services are readily and conveniently available.
100. Within this context, and as demonstrated above, the application site is within the settlement limit of Carryduff where it is envisaged that a building of the scale and massing proposed is acceptable as the buildings adjacent and opposite to the site are off large bulky proportions.
101. It is further indicated in the guidance that the Council will have regard to the following matters.

Siting

102. The Design and Access Statement submitted in support of the application demonstrates within a contextual analysis, how the proposed development sits within its immediate and surrounding context.
103. A kitchen business currently operates from the site and although the site is zoned for existing employment use planning approvals and PAC rulings over the years have allowed for A1 retail uses to operate from the site.
104. The buildings associated with the retail business are single storey in height and constructed in render block with corrugated metal cladding about with both conventional pitched and flat roofs.
105. Surrounding land uses are identified as mixed use in character with a Petrol Filling Station and Drive through restaurant to the east of the site and a further hot food takeaway bar beyond the site to the north.
106. To the south of the site is Brackenvale Business Park which comprises a number of industrial ware house building and offices for an accident repair centre, an upholsterers an engineering firm and St. Johns Ambulance Headquarters.
107. The constraints of the site are the access onto a protected access and the neighbouring businesses and uses.

1108. The extent of the site is capable of absorbing the size of the development stated which includes underground car parking and a landscaped area to the front and rear.
1109. The plans submitted allow for a full and proper assessment of the capacity of the land to accommodate and absorb a building of three storey in height with a large footprint.
1110. The drawings shows a three storey building with an open landscaped courtyard to the front and a landscaped area to the rear of the site.
1111. Sections have been provided to establish the scale of the building within the site and this indicates that the proposal is relative in size as the Brackenvale complex which is directly opposite the site.
1112. On this basis it is considered that the land does have the capacity to absorb a building of the bulk, scale and massing envisaged. It would not look out of place with the adjacent building or the Brackenvale complex on the opposite side of the road.

Locality

1113. It is not considered that the development of a residential care facility which is sensitively designed would have a detrimental impact on the character of the area for the reasons already stated above.

Traffic

1114. DfI Roads has no objection to the proposal. The existing access to the kitchen shop has been built to an acceptable standard and has more than sufficient capacity to absorb the number of trips generated by this type and scale of development.
1115. Thirty seven car parking spaces are to be provided at basement level and will not be visible and two number disabled space have been proved adjacent to the entrance of the nursing home.
1116. Two disabled parking space are provided adjacent to the front entrance of the building at ground floor level along with twelve cycle spaces.

Amenity

1117. The Design and Access Statement submitted in support of the application demonstrates that due regard has been given to the effect of the proposed residential care facility on neighbouring land uses and the amenity of the wider area in general. It is not considered that the use as a nursing home would have a detrimental impact on the amenity of the adjacent buildings.

118. The main issue is in relation to the impact of adjacent land uses on the amenity of the proposed residential care facility with concern expressed in representations in relation to the impact of adjacent land uses in terms of noise nuisance and disturbance.
119. A noise impact assessment was submitted which demonstrated that there would be no detrimental impact to residents of the proposed development in terms of the loss of residential amenity by way of noise nuisance or disturbance.
120. Triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses.
121. The amenity space for the development is proposed to the south and east of the building in the form of communal grassed courtyards. The provision is considered sufficient to meet the requirements of the future residents and will serve as a visual amenity more so than functional amenity space.
122. The arrangements of the building within the site also maximised views from the site to the open countryside which less mobile residents will be able to enjoy.

Design and Layout

123. The Design and Access Statement submitted in support of the application seeks to demonstrate how the proposed development responds to its surrounding context and how local development plan policies have been taken into consideration as part of the evolution of the detail of the design.
124. The building is to be three storeys in height with parking provided in the basement. The proposed building will have a main central section with a barrel shaped roof and wings either side of the central portion which will accommodate the bedrooms.
125. The materials to be used in the construction of the building will include white render walls, with grey timber cladding, grey window and a standing seam metal roof. These materials have an industrial style feel to them and will blend in with the other buildings in the area.

Landscaping

126. The Design and Access Statement explains that the site layout is arranged to create a significant buffer between the proposed building and the adjacent industrial unit through the siting of amenity space, the entrance ramp to the basement level car park and denser buffer planting towards the southern boundary of the site.

127. The new landscaping proposed throughout the site in the form of new planting, green areas and a landscaped communal area to the front of the building is considered to be acceptable.

Natural Heritage

128. PPS 2 – Natural Heritage, sets out the planning policies for the conservation, protection and enhancement of our natural heritage.
129. Policy NH 2 – Species Protected by Law covers both European Protected Species and nationally protected species. Policy states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species.
130. A Preliminary Ecological Appraisal and Assessment is submitted by Ayre Environmental Consulting in May 2017 in support of the application. The following protected species surveys were undertaken to establish the presence or likely absences of such within the confines of the site area:
- Bat Roost Potential
 - Otter Assessment
 - Badger Survey
131. In relation to bats, results confirmed that the existing built structures on site had been assessed as having negligible roosting suitability due to the fact that their construction from corrugated metal sheets and metal frames means they are subject to large and rapid temperature fluctuations which are entirely unsuitable for roosting bats as they require environments with more stable temperature ranges.
132. The existing commercial building was likewise assessed as having negligible roosting suitability due to the presence of flat roof on rear portion whilst southern portion is formed by asbestos roof tiles with no roof void making it unsuitable.
133. Trees were also assessed as having negligible bat roost potential.
134. With regard to otters, the water course was subject to extensive examination for the presence of field evidence such as slides, holts, lays and prey remains. No evidence was identified.
135. With regard to badger surveys, the assessment confirms that no setts were recorded in any aspect of the site boundary or up to 25 metres outwith.
136. Natural Heritage Division having considered the detail of this Assessment along with amended drawings received in July 2017 which indicated a landscape buffer adjacent to the watercourse confirmed that they had no objections to the proposal subject to conditions in relation to lighting.

137. Information received late in the planning process made reference to a Preliminary Ecological Appraisal and Assessment being out of date.
138. A letter from the Agent received on 5 February 2021 enclosed further information which confirms that the situation on the site remains unchanged from the PEA previously submitted in support of the application and that this is informed by a site walkover undertaken on 14 January 2021.
139. The information from Ayre Environmental explains that the purpose of the return visit was to establish if there had been any material changes in the baseline ecological information as recorded in 2017.
140. It advised that the most recent return visit and updated ecological inspection noted that the site has partially deteriorated as a direct result of lack of site maintenance. Areas of scrub and all rural habitat have colonised the south and western extents of the site.
141. The existing building structures (Dutch-style barn; offices and workshops/warehouses) remain in the same condition as previously documented in 2017.
142. No field evidence is recorded during the return site visit to suggest any changes have occurred to the baseline ecology other than extant vegetation maturing with natural vegetation succession. Photographs dated 14 January 2021 are provided in support of this statement.
143. The information from Ayre Environmental concludes that the recommendations provided within the 2017 PEA report remain pertinent to the proposed development with particular emphasis on the retention of the existing tress located adjacent to the watercourse on the northwest boundary.
144. Natural Environment Division (NED) has considered this information and in advice provided on the 25 February 2021. It confirms that NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions recommended to minimise the impact of the proposal on the nature conservation value of the river corridor.
145. The response also confirmed that no material changes have occurred and refers to our previous response in relation to advised conditions.
146. Based on the information provided by the Agent and advice from NED, it is considered that the proposed development will not have an adverse impact on natural heritage features and that the proposed development complies with Policy NH2 in that it is not likely to harm a European protected species.

Access, Movement and Parking

147. PPS 3 – Access, Movement and Parking sets out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking.
148. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
149. The P1 form indicates that the access arrangements for this development involve the alteration of an existing access to a public road for both vehicular and pedestrian use.
150. Whilst the Saintfield Road is a protected route this access is to lands within the settlement limit of Carryduff. The following policies considerations apply.

Access to Public Roads

151. Policy AMP 2 – Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of an existing access, onto a public road where;
 - (a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - (b) The proposal does not conflict with Policy AMP 3 – Access to protected routes.
152. Details submitted with the application indicate that it is intended to use an existing access to the public road.
153. DfI Roads were consulted in relation to this proposal and are satisfied that the proposed access arrangements are in accordance with prevailing guidance.
154. Based on the information submitted and advice from DfI Roads it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.
155. Furthermore and as demonstrated below the proposal does not conflict with Policy AMP 3 – Access to Protected Routes.

Access to Protected Route

156. AMP 3 – Access to Protected Route states that planning authorities will restrict the number of new access and control the level of use of existing access onto Protected Routes.

157. With regard to Protected Routes within settlement limits, the policy directs Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:
- (a) where access cannot reasonably be taken from an adjacent minor road; or
 - (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.
158. Third party objections raise issues of intensification of the use of the access onto a Protected Route.
159. Paragraph 1.2 of DCAN 15 - Vehicular Access Standards advises that intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more.
160. The Design and Access Statement submitted in support of the application indicates that the A24 Saintfeild Road is a Protected Route connecting Carryduff with Belfast. It acknowledges that the carriageway is four lanes wide and a right turn pocket to the petrol filling station is provided. Reference is made to the road being classified as an A Class Road where a 50 miles per hour speed limit applies.
161. The P1 Form provides details of the average number of existing vehicles at the premises daily along with details of the expected increase (change). It advises that there are 448 Visitors/Customers and four goods vehicles daily. The expected increase (changes) is shown to be a significant reduction to 147 and 1 respectively.
162. In terms of the number of persons attending the premises daily, the P1 form indicates figures of 485 compared with a figure of 234 associated with the proposed development (reduction of 251) persons attending daily.
163. A Transport Assessment form submitted with the application advises that the care home will have a compliment of 4 full time staff and 12 part time staff per shift and that an analysis of the proposed development indicates that this will generate 66% less traffic than the existing retail premises currently operating on the site.
164. The view is expressed that traffic generation will fall below the threshold for intensification as outlined in Development Control Advice Note (DCAN) 15.
165. The Design and Access Statement submitted in support of the application demonstrates that the site benefits from access to bus services which operate in both directions and a regular basis during the working day. Whilst there are

currently no dedicated cycle paths located on the Saintfield Road, pedestrian footways are located on both sides of the Saintfield Road.

166. Alterations proposed include the provision of 4.5 x 124 metre sightlines and a 6 metre access. This will result in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points by virtue of there being an access in situ.
167. Based on the information submitted and in the absence of any evidence to the contrary, it is considered that the proposed development is acceptable and meets the criteria of policy AMP 3 in that access cannot reasonably be taken from an adjacent minor road (criteria (a)) and that the alterations proposed will significantly assist in the creation of a quality environment without compromising standards of road safety (criteria (b)).
168. Intensification is not a matter to be weighed as significant as both criteria (a) and (b) are met which is more than required to meet the policy test.

Flooding and Drainage

169. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.
170. A water course flows in a south western direction adjacent to the sites northern boundary.
171. As part of the planning application process, DfI Rivers Agency were consulted. In a response dated 3 February 2017 they stated that their comments of 7 March 2016 associated with the previous application (LA05/2015/0726/F) remained valid.
172. This response relied on an earlier Drainage Assessment for a similar proposal which indicated at paragraph 4.1.2 that discharge was proposed into watercourse where nearby surface water flooding is evident.
173. The view expressed was that the increase in surface water runoff associated with the proposed development is considered to be negligible and as such, there was no requirement to limit to pre-development conditions.
174. The earlier assessment advised that any storm water on site will primarily be infiltrated where possible, through grassland and landscaped areas. The Drainage Assessment provides the following conclusions:
 - The proposal include the demolition of existing retail buildings and erection of building providing care to the elderly.

- Infiltration will be used primarily for drainage and soft landscaped areas will be included in the design where possible in order to maximise infiltration rates;
 - The site will undergo adequate levelling and drainage designs to ensure no build-up of surface water remains on site; elevations and underground drainage will drop towards the discharge gathering points;
 - Increase in surface water discharge is considered negligible (0.031/s), and as such, it should be considered acceptable to discharge post development run-off rates of 12.91//s.
175. Mitigating measures identified include the provision of porous pavements, filter drains and source control measures to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed.
176. DfI Rivers advised that their earlier advice of 7 March 2016 remained valid and that the submitted Drainage Details only lacked a letter from Rivers Agency local area office for consent to discharge into the adjacent undesignated watercourse.
177. Late information from a third party in December 2020 expressed the view that there was a lack of drainage information submitted with the proposal. No further detail was provided in this regard.
178. A letter from the Agent received on 5 February 2021 advised that the Drainage Assessment submitted previously remained valid and that DFI Rivers provided a response offering no objection with the only matter to be resolved being securing Schedule 6 consent.
179. The letter advises that MCL Consulting have engaged with DfI Rivers directly in respect to Schedule 6 consent to an adjacent watercourse and that initial discussions indicate that the proposed method of discharge is agreeable in principle and that a further Schedule 6 consent application had been formally submitted in December 2020.
180. This information was considered by DfI Rivers and in a response received on 9 May 2021 advised that the following information was required to demonstrate the viability of your proposals by means of providing the following:
- Schedule 6 consent for discharge to the watercourse; and
 - Attenuation calculations that demonstrate that storm water discharge from the site does not exceed the consented discharge rate for all events up to and including a 100 year design rainfall event and climate change.
181. In an email dated 23 June 2021, the Agent makes reference to advice from DfI Rivers [first bullet point] which indicates that greenfield run-off rate could be consented and in doing so, expressed the view that discharging to the watercourse is acceptable in principle.

182. In response to this exchange, Rivers Agency explained that there would appear to be some confusion as the Schedule 6 response from our Area Office reads "unable to consent". In this case, the consent application was to discharge 22.6l/s which is over twice that proposed in the Drainage Assessment.
183. The advice provided explained that the applicant was required to obtain an approved discharge rate and based on the approved rate provide calculations and attenuation layout as part of a revised Drainage Assessment. This requirement was also discussed with the applicant's drainage consultant [MCL Consulting] at the time.
184. The Agent was advised on the 24 June 2021 that the Drainage Assessment associated with the planning application needed to be updated to take account of the agreed discharge rate.
185. It was also explained that it was this information along with the Schedule 6 consent confirmation from Rivers Agency that is required to allow the application process to be concluded.
186. An electronic copy of a revised Drainage Assessment prepared by MCL Consulting was provided on 9 July 2021.
187. The Drainage Assessment advises by way of conclusion that the infiltration will be used primarily for drainage and soft landscaped areas will be included in the design where possible in order to maximise infiltration rates.
188. It advises that a Schedule 6 Consent application has been submitted to Rivers Agency requesting discharge into the open watercourse flowing close to the sites northern boundary with the view expressed that this will replicate existing regimes at a lesser rate. Whilst reference is made to this detail following the drainage assessment as an addendum, no additional information has been provided to the Council in this regard.
189. An explanation is also provided that the site will undergo adequate levelling and drainage designs to ensure no build – up of surface water remains on site and that elevations and underground drainage will drop towards the discharge gathering points.
190. Finally, the view is expressed that there is a betterment in regard to surface runoff as peak runoff during Q100 (1hr) has been reduced from 28.35 l/s under existing conditions to 22.66 l/s.
191. Rivers Agency in a response received on 21 July 2021 confirmed that its response in relation to Policies FLD1, FLD 2, FLD 4 and FLD 5 remained as per advice provided on 9 January 2021.

192. In relation to Policy FLD 3, the response confirmed that the revised Drainage Assessment had been reviewed and that the information previously requested had not been provided.
193. The response advised that in order for Rivers Agency to fully assess this Drainage Assessment further information was required to demonstrate the viability of the proposals by means of providing the following:
- Schedule 6 consent for discharge to the watercourse.
 - Attenuation calculations that demonstrate that storm water discharge from the site does not exceed the consented discharge rate for all events up to and including a 100 year design rainfall event + climate change.
194. Rivers Agency also provided confirmation that area office records showed that no further Schedule 6 application had been submitted with the required information and as of 21 July 2021.
195. A further revision of the Drainage Assessment was submitted to the Council on 27 July 2021 before the planning committee meeting in August 2021.
196. The assessment indicated at Appendix 1 that areas of hardstanding would be reduced and that the geology of the site underlain by boulder clay would generally have high rates of run off.
197. It was further indicated that the site was not at risk from fluvial flooding and that based on an area of 3378 metres squared and a 1:100 year event, the equivalent greenfield run off is equal to 5.15 l/s.
198. That said, the assessment also advised at section 2.1 that it is Rivers Agency's policy to accept a guideline figure of 10l/sec/ha which for this site, provides a greenfield runoff rate equal to 3.378l/s.
199. The Drainage Assessment provides calculation details of runoff assessments with reference made to pre-development runoff associated with rooftop and impermeable surfacing accounting for 2873 metres squared of impermeable surfacing and 465 metres squared of grass.
200. Post development runoffs are predicted to reduce with the development proposal reducing the hard standing on site to 2220 metres square, with 1118 metres squared of grass area provided.
201. Section 4 of the assessment provides details of how surface runoff will be managed. It advises that in terms of surface runoff management, any storm water on site will primarily be infiltrated where possible through grassland and landscaped areas with all remaining run off being adequately managed and discharged at the agreed rate into the adjacent water course.

202. Dfl Rivers in a response dated 6 August 2021 has confirmed that the revised Drainage Assessment has been considered and its logic accepted. No objection is offered.
203. A standard condition is however recommended requiring the submission of a detailed drainage network design prior to commencement of any approved development.
204. Based on the information submitted and the advice received from Dfl Rivers, it is considered that the applicant has now demonstrated that the proposed development will not cause present or exacerbate flood risk and that an acceptable drainage solution to agreed discharge rates can be provided and that the requirements of policy FLD 3 have been met in full.

Contaminated Land

205. Paragraph 3.6 of the SPSS emphasises that identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.
206. It continues at 6.321 to state when decision-taking important considerations will include: the types of waste to be deposited or treated and the proposed method of disposal; impacts on human health and the environment (including environmental pollution).
207. A phase 1 site investigation survey was submitted by Practical Waste Solutions in May 2017. The survey was undertaken to determine the likelihood of asbestos containing material contamination of the site.
208. The report concludes that the level of asbestos concentration in soil samples analyses demonstrated that there was no significant asbestos contained within the soil being less than the detection limit of the testing equipment.
209. The survey analysis also confirmed an unacceptable hydrocarbon level present in the soil at specified depths. A number of recommendations including further survey investigations, mapping and provision of cost effect remediation strategy are recommended.
210. NIEA – Land, Soil and Air Unit having considered the detail of the report have indicated that further information was required to enable them to provide a definitive comment.
211. That said, a condition that all contamination surveys are completed agreed and accepted by NIEA before works commence on site is recommended.

Consideration of Representations

212. Eight letters of objection had been received when the application was first presented to Committee in December 2020. A further two representations have been received from the same individual post December 2020. Consideration of the issues raised is set out below.

Not Compatible

213. An objection has been raised with regards the proposed use and conflict with the uses on other sites.

214. Other adjacent uses comprise a vehicle repair business, Jenkins auto paint and Carryduff upholstery. As demonstrated in the main body of the report, the proposed use is compatible and that there will be no detrimental impact on the proposed or existing uses.

Repeat Application.

215. Concern is expressed that the application was similar to a previous refusal on the site (LA05/2015/0726/F) and under section 46 of the Planning Act (NI) 2011 the Council could have declined to accept it as a repeat application.

216. Whilst it is accepted that the application is similar the differences including an amended red line, design changes and additional information are such that it is not considered to be a repeat application.

Traffic

217. An objection has been raised in relation to traffic issues both currently and how this will be intensified should the proposal be approved.

218. A transport assessment form accompanied the application. It demonstrated that the proposed use would generate 66% less vehicle trips compared to the existing retail use.

219. DfI Roads were consulted with the proposal and had no objection subject to conditions.

Noise /Nuisance /Disturbance.

220. Objections were raised that the use of adjacent lands would cause noise nuisance and disturbance to the residents of the proposed nursing home should it be approved.

221. A noise impact assessment was submitted which demonstrated that there would be no detrimental impact to residents of the proposed development in terms of the loss of residential amenity by way of noise nuisance or disturbance.

222. Triple glazing, acoustic ventilation and an acoustic barrier have been incorporated into the proposal to mitigate any potential impact from adjacent land uses.
223. Environmental Health were consulted with the proposal and had no objection subject to conditions.

Design and Integration of the proposal on edge of settlement.

224. Objections were raised that the proposal would fail to integrate into the surroundings at this location at the edge of the settlement.
225. The building is to be three story in height with a barrel shaped roof design. It is considered that this design along with the existing and proposed landscaping will allow the proposal to integrate into the surrounding and will not be detrimental to the character of the area.

Natural Heritage issues.

226. Objections were raised that the proposal would have an impact on natural heritage in the area.
227. NIEA Natural Heritage Division (NED) were content with amended drawings that were submitted and commented that an adequate buffer had been provided to the watercourse adjacent to the site.
228. Furthermore they advised that should the application be approved a condition should be attached to any decision notice to ensure that there is no lighting directed toward the watercourse.
229. A late representation made reference to ecology surveys being out of date. This is addressed in the main body of the report whereby updated information from an ecologist is provided to confirm that the situation on the ground is largely unchanged.

Inconsistency/Incompatible drawings

230. A representation made reference to the inconsistency and/or incompatible of the submitted drawings. Whilst no specific detail was provided, the Agent provided clarification in amendments and these were received on 06 September 2021 and the details are described at paragraph 21 of this report.

Neighbour Notification/Advertising

231. A representation later in the application process expressed the view that the application should have been re-advertised due to the passage of time. Amendments received in relation to the proposal have at intervals been neighbour notified to those individuals that have during the processing of the

application, expressed an interest. The Council is satisfied that adequate notification has been provided to neighbours and third parties.

Intensification and Road Safety

232. A representation received later in the application continues to express concern about intensification to a protected route. As demonstrated in the main body of the report, the proposed development involves the alteration of an existing access within the settlement limit.
233. There is no opportunity in this instance to access the site from an adjacent minor road. That said, detail submitted with the application demonstrates that the alterations include the provision of 4.5 x 124 metre sightlines and a 6 metre access.
234. DfI Roads are content that this will result in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points by virtue of there being an access in situ.

Conclusions

235. The application is presented with a recommendation to approve as it is considered that greater material weight should be attached to the fact that this portion of the individual employment zoning has changed to retail use and that it is unlikely for the reasons set out in the report to revert back to employment uses as currently defined in Part B – Industrial and Business Use of the Planning (Use Classes Order) Northern Ireland 2015.
236. Whilst the proposal will result in the loss of a small portion of land zoned for economic development use the planning history carries weight in the assessment in that it demonstrates that the land use classification of this part of the site has through previous permissions allowed for A1 retailing uses.
237. The special circumstances of this case as demonstrated in the report are considered to outweigh the preferred policy option of retaining the land for economic development use.
238. Significant weight is also attached to other material considerations in respect of the current site and buildings not being fit for modern employment use; the associated economic benefits in terms of job creation; a commitment to employ skilled people; generate income locally and create additional expenditure in the supply chain.
239. The proposed development is considered to comply with the SPPS and Policy PED 8 of PPS 4 in that its location at the edge of the northern most edge of the employment zoning and the edge of the settlement limit along with the proposed mitigation demonstrate that the development is not likely to impact

on the continued operation of adjacent businesses including those more distant from the site.

240. The proposed development complies with the SPPS and Policy NH2 of PPS 2 in that the detail submitted demonstrates that the proposed development is not likely to harm a European Protected Species.
241. The proposal complies with the SPPS and Policies AMP 2 and AMP 3 of PPS 3 the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic. Access cannot be taken from a minor road and the requirements for access onto a protected route within a settlement are met in full.
242. The proposal complies with the SPPS and PPS 15 in that detail submitted with the application demonstrates that surface run off associated with the development when compared with existing run-off is considered to be negligible and mitigation measures outlined in the drainage assessment which include the provision of porous pavements, further drains and source control measures to allow rain water and run off to infiltrate into permeable material below ground and provide storage are acceptable.

Recommendations

243. It is recommended that planning permission is approved.

Conditions

244. The following conditions are recommended:
- As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time limit
 - The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing no. 12 bearing the Lisburn and Castlereagh Council date stamp [insert date] prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sightline shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays should be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No .13 bearing the Planning Office date stamp [insert date] to provide for parking and servicing within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.
Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.
- The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user
- All hard and soft landscape works shall be carried out in accordance with the approved details as indicated on drawing no 10 date stamped by Lisburn and Castlereagh City Council 17 July 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of the building development.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
- If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.
Reason: To ensure the continuity of amenity afforded by existing trees.
- The proposal is in close proximity to a busy road and commercial unit and the applicant should ensure there is sufficient sound insulation, including acoustic glazing and ventilation, to ensure compliance with 'BS8233:2014 - Sound insulation and noise reduction for buildings'. Internal ambient noise level should not exceed $L_{Aeq(16hr)}$ 35dB(A) daytime in habitable rooms (including bedrooms) and $L_{Aeq(8hr)}$ 30dB(A) night time in bedrooms. Therefore, within 3 months of completion of the development an acoustic verification report shall be submitted to the Council to demonstrate compliance with BS8233:2014.

Reason: To ensure compliance with BS8233: 2014

- A 1.8m high acoustic barrier shall be erected along the site's boundary as presented on approved drawing A1 Site Plan date stamped 17 August 2018 prior to the occupation of the building. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 6 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise
- Following demolition and prior to any construction work the ground conditions on the site shall be subject to a detailed site investigation to establish the suitability of the development for the proposed end use. A site investigation shall be undertaken in sufficient detail to establish the previous uses of the land under consideration or land nearby or adjacent to it, and to identify potential sources of contamination. The above information should be used to produce a risk assessment addressing each potential source, pathway and receptor in turn and should indicate if any, what the risk of contamination is. The risk assessment shall be submitted to the Council for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors
- Further to condition a detailed remediation scheme shall be submitted to the Council for approval to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors
- Prior to occupancy of the development, the remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met. Substantiating information shall be submitted to the Council in the form of a written validation report for approval.

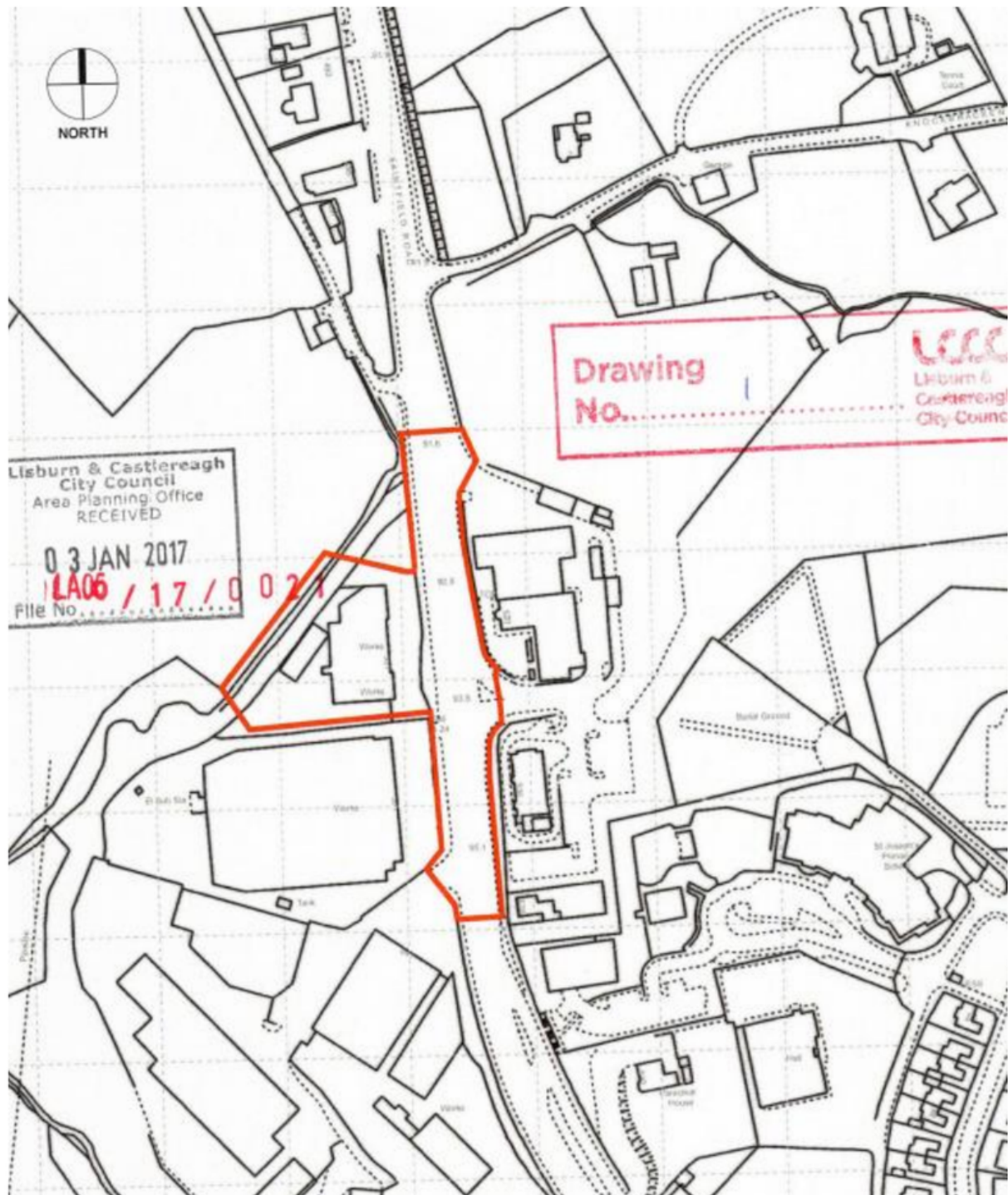
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors
- The applicant shall have full regard to all relevant and current guidance and standards during the sampling, remediation and validation processes and shall incorporate such detail within any report submissions.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in accordance with the Northern Ireland's Environment Agency Documents entitled; "Installation, Decommissioning and Removal of Underground Storage Tanks: PPG27" & "Above Ground Oil Storage Tanks PPG2". Any impacted soil in the vicinity of the storage tanks and associated infrastructure should be excavated and the quality of the surrounding soils verified. This process should be supervised by a suitably qualified Environmental Engineer.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Site Location Plan – LA05/2017/0021/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	04 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0017/F
Date of Application	14 January 2021
District Electoral Area	Downshire West
Proposal Description	Proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and associated site works
Location	Approximately 40 metres from 33 Glen Road Hillsborough
Representations	None
Case Officer	Grainne Rice
Recommendation	REFUSAL

Summary of Recommendation

1. The above application is presented to the Planning Committee with a recommendation to refuse as the proposal is considered to be contrary to the SPPS, Policy CTY1 and criteria (iii) and (vi) of Policy OS3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity and character of the local landscape as it would not be readily absorbed into the local landscape by virtue of being able to take advantage of existing landscaping and topography. It would also be unsympathetic to the surrounding environment in terms of its siting, layout and landscape treatment.
2. It is further contrary to policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that no evidence has been submitted to demonstrate there are overriding reasons why this development is essential in this rural location and it would if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough.
3. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in that the

removal of a significant stretch of roadside vegetation and the proposed stable block would, if permitted be a prominent feature in the landscape as degree of enclosure for the building to the roadside is lost and the new development would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area a resulting in a detrimental change to (further erode) the rural character of the countryside.

Description of Site and Surroundings

Site

5. The application site is located on the southern side of the Glen Road, Hillsborough and consists of a rectangular plot cur out of a larger agricultural field.
6. The land rises gently in a southerly direction from the edge of the road towards the rear of the site. The northern (roadside), eastern and western boundaries are defined by hedgerow and trees. The southern boundary is undefined.
7. The site plan details the location of proposed stables along the roadside in the north eastern corner of the agricultural field. The proposal also development seeks to construct a new vehicular access to the public road to provide access to the proposed site. A proposed laneway would lead to an area of hardstand and parking to the front and side of the stables.

Surroundings

8. Adjoining the proposed site to the east is 33 Glen Road, Hillsborough a storey and half dwelling and associated outbuildings. Adjoining the proposed site to the west is 39 Glen Road, Hillsborough a single storey dwelling and associated garage and shed.
9. The area is rural in character, and the land mainly in agricultural use. There is an evidence of a build-up of development in the locality with single detached dwellings dispersed throughout.

Proposed Development

10. The application is for a proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works.

Relevant Planning History

11. The planning history associated with the application site is set out in the table below:

Application Reference	Description of Proposal	Decision
S/1994/0489	Retirement dwelling – Adjacent to No. 39 Glen Road, Hillsborough	Withdrawn - 27.10.1994
S/1980/0069	Glen Road - Bungalow	Refusal - 04.03.1980
S/1989/0191	400m West Of Glen Dairy Farm Glen Road, Hillsborough - Farm Dwelling & Garage	Approval - 22.05.1989
S/1992/0122	400m West Of Glen Dairy Farm Glen Road, Hillsborough - Farm Dwelling & Garage	Approval - 23.06.1992
S/1993/1020	Farm dwelling and garage – 23 Glen road, Hillsborough	Approval - 15.08.1994

Consultations

12. The following consultations were carried out:

Consultee	Response
NIEA Water Management Unit	No Objection
DfI Roads	No Objection
Environmental Health	No Objection

NI Water	No Objection
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Representations

13. No representations have been received in opposition to the application.

Planning Policy Context

Relevant Policy and Guidance Documents

14. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 3 (PPS 3): Access, Movement and Parking
 - Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside
15. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - DCAN 15: Vehicular Access Standards

Local Development Plan Context

16. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
17. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
18. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.

19. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.

20. Page 49 of the Lisburn Area Plan 2001 states

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

21. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

22. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

23. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

24. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

25. Paragraph 3.8 of the SPPS states that

the guiding principle for planning authorities in determining planning applications 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.

26. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
27. Paragraph 4.11 of the SPPS outlines there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.
28. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
29. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
30. Paragraph 4.12 of the SPPS directs that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.
31. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
32. Paragraph 6.213 of the SPPS states that
planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.
33. Paragraph 6.78 of the SPPS outlines that supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the

Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Building on Tradition:

34. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in assessing the proposal.
35. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.

PPS 21 - Sustainable Development in the Countryside

36. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.
37. Policy CTY 1 –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. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

38. The policy states that

Planning permission will be granted for non-residential development in the countryside in the following cases:

- *farm diversification proposals in accordance with Policy CTY 11;*
- *agricultural and forestry development in accordance with Policy CTY 12;*
- *the reuse of an existing building in accordance with Policy CTY 4;*
- *tourism development in accordance with the TOU Policies of PSRNI;*

- *industry and business uses in accordance with PPS 4 (currently under review);*
- *minerals development in accordance with the MIN Policies of PSRNI;*
- *outdoor sport and recreational uses in accordance with PPS 8;*
- *renewable energy projects in accordance with PPS 18; or*
- *a necessary community facility to serve the local rural population.*

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

39. This is a proposal for the development of a proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works. This is to be assessed against the requirements of PPS 8 Policy OS 3 Outdoor Recreation in the Countryside.
40. In addition to OS3, there are other CTY policies that are engaged as part of the assessment including CTY8, CTY13 and 14 and they are also considered.

Ribbon Development

41. Policy CTY8 - Ribbon Development states that

planning permission will be refused for a building which creates or adds to a ribbon of development.

42. Policy CTY 13 – Integration and Design of Buildings in the Countryside states

that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The policy directs that a new building will be unacceptable where:

- (a) *it is a prominent feature in the landscape; or*
- (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) *it relies primarily on the use of new landscaping for integration; or*
- (d) *ancillary works do not integrate with their surroundings; or*
- (e) *the design of the building is inappropriate for the site and its locality; or*
- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

43. Policy CTY 14 – Rural Character states that

planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

44. *The policy states that*

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

45. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Open Space, Sport and Outdoor Recreation

46. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

47. Policy OS 3 - Outdoor Recreation in the Countryside states that

planning authorities will permit the development of proposals for outdoor recreational use in the countryside where eight specified criteria are met;

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*

- (iv) *there is no unacceptable impact on the amenities of people living nearby;*
 - (v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*
 - (vi) *any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
 - (vii) *the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and*
 - (viii) *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*
48. Paragraph 5.33 of the justification and amplification to Policy OS 3 indicates that the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. The listed criteria include reference to design and impact on visual amenity and are akin to the relevant planning considerations set out in Paragraph 6.213 of the SPPS.
49. It advises that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings. Wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals.

Access, Movement and Parking

50. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.
51. Policy AMP 2 – Access to Public Roads states that
- planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:*
- a) *such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
 - b) *the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

52. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Development Control Advice Note 15 – Vehicular Access Standards

53. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

54. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Open Space, Sport and Outdoor Recreation

55. A supporting statement was submitted in support of the application to provide a justification for the proposal.
56. The view is expressed that the proposed development meets the policy test in policy OS 3 of PPS 8 and therefore falls as an exception under Policy CTY 1 of PPS 21.
57. The agent further asserts he has not seen any stable block or ménage application refused planning permission or dismissed at appeal.
58. The reasons for this proposal being in accordance with policy are set out by the agent and it is their view that the site is not a prominent feature in the landscape and is suitably enclosed with a backdrop of vegetation, , setback from the Glen Road with intervening development in the foreground and rising ground behind. It states that the site is well integrated and is negligible in the landscape and there are no critical long views travelling around the site on the public network.

59. In consideration of case presented on behalf of the applicant the supporting statement makes reference to the policy headnote of Policy OS 3 of PPS 8 and argues that it does not distinguish between facilities for personal use and larger commercial premises. Despite the implication of a difference between public and private use, it is not explicitly stated anywhere in the policy.
60. It also quotes from the justification and amplification that states the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside.
61. It goes on to state that outdoor participatory recreational uses such as riding schools (their emphasis) will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings.
62. The statement alludes to the fact that the policy does not require proposals for equestrian uses to be small scale or run on a commercial basis. The supporting statement claims that there is no indication that smaller scale developments for domestic use to facilitate the keeping and riding of horses would be unacceptable in principle in the countryside under this policy. The supporting statement confirms the applicant is content for the domestic use to be secured by planning condition.
63. The writer of the supporting information then critiques the eight criteria of the policy and it's arguing in respect of criteria (i) that there are no identifiable features of nature conservation, archaeology or built heritage having undertaken a Historic Environment Map Search and DAERA Map Search provided on that basis no evidence of any impact.
64. The case officer has reached a similar conclusion in terms of their assessment on this point.
65. With regard to criteria (ii) the supporting statement confirms that the proposal would not result in the loss of the best most versatile agricultural land and there is no unacceptable impact on nearby agricultural activities.
66. In consideration of this point, the application site is part of a larger agricultural field. The proposed site plan indicates that the stables will be located along the roadside in the north eastern corner of the agricultural field. Whilst the siting is considered unacceptable for reasons outlined later in this report, no objection is offered in respect of criteria (ii) taking given the size of the application site compared to amount of agricultural land retained. There is also no evidence to support a conclusion that the development will have an unacceptable impact on nearby agricultural activities.
67. With regards criteria (iii) the supporting statement claims the proposal benefits from established boundary vegetation to the north, east and west. It also has a limited public aspect and a building could be integrated at this location given the landscape features and topography.

68. In consideration of this point, the officer is not in agreement as the proposed development requires the removal of approximately 85 metres of existing roadside hedge and three trees to accommodate the required vehicular access and required visibility splays.
69. It is considered that the proposed stables location adjacent to the Glen Road means that the development would have an adverse impact on visual amenity of the open countryside, notwithstanding that the land to the rear of the building slopes gently upwards.
70. The standalone building and associated ancillary works including the access and hardstanding would not be read as a cluster but rather as a build-up of development and for the reasons outlined, it would have an adverse impact on the character of the local landscape.
71. The proposal would also result in the extension of a ribbon of development along this section of the Glen Road which by virtue of its proposed siting would therefore be visually detrimental to the local landscape.
72. Whilst it is noted that replacement planting is proposed to the rear of the visibility splays it is contended that the visual amenity of the local landscape would be adversely impacted as a result of the proposed development as any replacement planting would require time to mature and it is considered that this would not negate the visual impact of the development.
73. Turning to criteria (iv) it is indicated in the supporting statement that the nearest dwelling is located 40 metres to the east of the application site. Given the separation distances the proposal is not considered to result in an unacceptable impact on the amenities of people living nearby.
74. It is further suggested that due to the existing field boundaries to the north, east and west of the site, this is the logical position to place the stable block as it is easily absorbed into the landscape and does not result in any transient views. There would be no unacceptable impact on existing residential amenity.
75. It is accepted that there are adequate separation distances between the proposed stables and neighbouring unrelated properties.
76. The Environmental Health Unit have also been consulted and have no objection to the proposal therefore it is not considered that approval of this application would cause any detrimental impact on neighbouring residents as a result of noise or nuisance.
77. In relation to point (v) the supporting statement claims the proposal is situated on private land with no access to the public nor is it to be used by members of the public. Suitable stock proof fencing and gates are already in existence.
78. The development is for a small scale, private stables and when taking account of the nature and scale would not offend this criterion or engage any issues

relating to public safety. It is further stated there is no conflict with any other countryside uses.

79. DfI Roads have been consulted and have no objection on road safety grounds subject to the access been constructed to the appropriate standard. It is also not considered that there would be any detrimental impact with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed. Criteria (v) and (viii) are therefore met.
80. Regarding point (vi) the supporting statement claims that the design of the proposed building is typical and common place for flexible stabling, storage of associated tack and feedstuffs with washing area.
81. Having regard to the size and scale of modern agricultural buildings, which are commonplace in the rural landscape it is further asserted that it could not reasonably be taken to be out of scale or proportion.
82. It is further explained by the agent there are limited views of the site along the existing field boundary and against a backdrop of vegetation ensures it is sympathetic to the landscape. The building is low level and constructed from portal frame and finished in smooth render and external cladding. The design and scale are considered to appropriate for the rural area.
83. In consideration of these points, it is noted that the design the proposed stable is single storey with a rectangular footprint of approximately 130 metres squared and a ridge height of 4.5 metres.
84. The proposed stable block would house three loose boxes, a tack room, a feed store, a wash room, a wash bay and vehicle and trailer parking area. Finishes would consist of smooth render lower walls and prefabricated agricultural corrugated sheeting roof/upper walls green in colour.
85. The design is considered to be typical of that of a stable block found in the countryside. However it is the size of a small bungalow and the layout, general arrangement and position of the building to the roadside is not acceptable and criteria (vi) is not met.
86. Turning to point (vii) the agent confirms that the development is for private use by the applicant and his family. There are no visiting members of the public, so this criterion is not engaged.
87. In consideration of this point a building of this size will require building control approval and level access will be a minimum requirement in relation to compliance DDA regulation. No detail is provided as to how the proposed facility takes into account the needs of people with disabilities but the scale of development is small and linked to a personal recreational use and will be picked up and considered as part of a separate regulatory process.

88. Disabled facilities for members of the public visiting the site are not therefore required.
89. In terms of point (viii) the supporting statement confirms that the proposal does not give rise to any issues from a transport perspective, as it is for private use.
90. In consideration of this point and linked to the earlier comment above, it is noted that the Glen Road is not a protected route. However there is an existing field gate access to the lands, which the proposal seeks to utilise. There is sufficient room for parking, turning and circulation. The proposal intends to use the existing access and to provide the necessary visibility splays.
91. DfI Roads have been consulted and have no objection in respect of road safety or traffic impact subject to the access been constructed to the appropriate standard. It is also considered that there would be no detrimental impact with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed.
92. The supporting statement also asserts that if commercial riding schools are deemed acceptable in principle then small-scale domestic facilities will also be acceptable in principle, subject to there being no associated impacts. On this basis the supporting information argues the proposal complies with all the requirements of Policy OS 3 and therefore falls as policy exception under Policy CTY 1 of PPS 21. Appeal examples were cited to support this.
93. The agent includes a planning history whereby reference is made to planning application LA05/2019/0773/F - Stables for keeping of horses (for domestic purposes) Including access, paddock and ancillary store at site 170m SE of 12 Dromara Road, Hillsborough.
94. This application was approved on 21 August 2020 and is not directly comparable to this application. The proposed stable is set back a considerable distance from the roadside, has a paddock in front and does not therefore occupy a roadside location.
95. The applicants address on the P1 application form is 23 Glen Road, Hillsborough which is located approximately 400 metres to the south east of the proposed site.
96. Adjoining the proposed site to the east is 33 Glen Road, Hillsborough a storey and half dwelling and associated outbuildings. To the west is 39 Glen Road, Hillsborough a single storey dwelling and associated garage and shed. None of these buildings are shown as being within the control of the applicant.
97. The supporting statement states the proposed stables are for private domestic purposes. However no rationale is offered for the site being chosen distant from the applicant's home.

98. The dwelling at 23 Glen Road, Hillsborough would appear to have a number of existing outbuildings and there appears to already be stables and a horse ménage including paddock and jumps at the applicant's home address.
99. There is also no detail given of ownership of horses as justification for the stables which appear to be provided for at the main dwelling. No evidence was submitted to support the need for additional stables in association with the operation of an active equestrian business and that there are overriding reasons why the development is essential at this location.
100. It has not been demonstrated why the proposed domestic stable block could not be sited within the established curtilage of the applicants dwelling to accommodate the scale of development proposed at this site or within the immediate adjoining lands if owned by the applicant.
101. Furthermore no information has been provided to demonstrate that there if any existing or redundant farm building at the applicant's address could be utilised or extended for the purposes required. No explanation is provided to justify providing a domestic stable block outside the curtilage and remote from the applicants dwelling. Paragraph 5.33 of the Justification and Amplification section of policy OS 3 states that wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals.
102. It is acknowledged that the headnote of Policy OS 3 does not distinguish between recreational facilities for personal use and larger commercial provision.
103. Paragraph 5.33 refers specifically to equestrian uses pointing out that the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. It points out that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle providing the scale of ancillary buildings is appropriate to the location and can be integrated into their landscape surroundings. For the reasons outlined above the scale of the building is not appropriate and is cannot be integrated into the landscape at this roadside location.

Ribbon Development

104. As explained above, the development requires the removal of approximately 85 metres of roadside hedge to provide access to the site which will result in the proposed building being a visible feature along the road frontage.
105. The proposed building measures 130 metres squared and has a ridge height of 4.5 metres. It occupies a roadside plot with little setback. The road level is indicated to be 108.71 mOD in front of the proposed stable block.
106. The finished ground level at the gable elevation towards the southern boundary of the site and associated hardstanding and parking (as shown in cross section)

is indicated at 112 mOD. A section at an angle through the site shows no cut and some fill to bring the site up to the 112 mOD.

107. It is assumed in the absence of any other information or detail that the ground is built up between two and two and a half metres to construct a building consistent with the submitted floor plans and elevations.
108. If constructed this building would have a finished ground level approximately 3.3 metres above the road and a ridge height of 116.5 some 7.5 metres above the road level. A building at this elevation will be obvious in the landscape irrespective of amount of hedgerow retained.
109. It is considered that the proposed development would add to an existing ribbon of development along this section of the Glen Road, Hillsborough and when read with 33 Glen Road, Hillsborough to the east of the site and 39 Glen Road, Hillsborough to the west. This would have a detrimental impact on the rural character of the surrounding landscape by reason of an extension of a ribbon of development.
110. Policy CTY 8 confirms that planning permission will be refused for a building which creates or adds to a ribbon of development
111. It is considered the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.

Integration and Design of Buildings in the Countryside

112. With regard to Policy CTY 13 the supporting statement contends the test of whether a new building integrates into the landscape is not a test of invisibility but rather a consideration of the new development in the context of its immediate and wider surroundings.
113. It argues the proposed site is well screened from any significant static or transient critical views when travelling on either direction along the public road network by the existing mature vegetation, sloping topography and existing development which it can be read against.
114. It is considered that the removal of a significant stretch of roadside vegetation and the proposed road side location of the stables and associated laneway, hardstand and parking in an elevated position above the road means that the development will be prominent along the road frontage.
115. As demonstrated above the proposed building measures 130 metres squared and has a ridge height of 4.5 metres. It occupies a roadside plot with little setback. The proposed shed is set at a significantly higher level than road level. The proposed building will be visible along the skyline.

116. As explained above, the roadside boundary consists of a long-established hedge and a scattering of trees the works required to provide access requires the removal of around 80% of the roadside hedgerow and three trees which would result in the development being unable to provide a satisfactory level of integration without relying on new landscaping which is contrary to policy.
117. There are no new boundaries proposed around the building other than the remaining field boundaries.
118. There is a substantial access and an area of hardstanding around the proposed building by way of ancillary works. Retaining is not identified but there a need for approximately two to two and a half metres of fill is. The cumulative impact of the new building and ancillary site works is considered to integrate into the landscape.
119. The proposed design of the building is a single storey structure with a rectangular footprint of approximately 130 metres squared and a ridge height of 4.5 metres.
120. The proposed stable block would house three loose boxes, a tack room, a feed store, a wash room, a wash bay and vehicle and trailer parking area. Finishes are of smooth render lower walls and prefabricated agricultural corrugated sheeting roof/upper walls green in colour.
121. The design is considered to be typical of that of a agricultural style building found in the countryside but its size and scale is not typical of a small ancillary outbuilding and it is not designed to integrate into the landscape.

Rural Character

122. With regard to Policy CTY 14 the agent asserts in the supporting statement that the proposal would not be unduly prominent taking account of the ability to apply appropriate conditions. It also states the proposal respects the existing pattern on development.
123. As detailed above in this report it is considered that the development will be prominent to the road frontage given the removal of a significant stretch of roadside vegetation and the proposed road side location of the stables and associated laneway, hardstanding and parking.
124. It is considered that the development will be prominent to the road frontage. It occupies a roadside plot with little setback. The proposed shed is set at a higher level than road level. The proposed building will be visible along the skyline.
125. It is further considered that the proposal would result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development along this section of the Glen

Road resulting in a detrimental change to (further erode) the rural character of the countryside.

Access, Movement & Parking

126. The development seeks to construct a new access to the public road to provide vehicular access to the proposed site.
127. DfI Roads offer no objections. Standard conditions are offered in respect of the provision of visibility splays and the alteration of street furniture. [The visibility splays are 2 metres x 50 metres either direction.
128. There is a telegraph pole to be moved to the rear of the splays which is annotated on the drawing.
129. Based on the detail and advice provided, it is considered that the application is in accordance with the policy requirements of criteria (a) of AMP 2 of PPS 3. Access is not onto a protected route and criteria (b) does not apply.

Conclusions

130. For the reasons outlined in the report, the application is considered to be contrary to the SPPS, Policy CTY1 and criteria (iii) and (vi) of Policy OS3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity and character of the local landscape as it would not be readily absorbed into the local landscape by virtue of being able to take advantage of existing landscaping and topography. It would also be unsympathetic to the surrounding environment in terms of its siting, layout and landscape treatment.
131. It is further contrary to policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that no evidence has been submitted to demonstrate there are overriding reasons why this development is essential in this rural location and it would if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough.
132. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in that the removal of a significant stretch of roadside vegetation and the proposed stable block would, if permitted be a prominent feature in the landscape as degree of enclosure for the building to the roadside is lost and the new development would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
133. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively

with other existing buildings in the area a resulting in a detrimental change to (further erode) the rural character of the countryside.

Recommendation

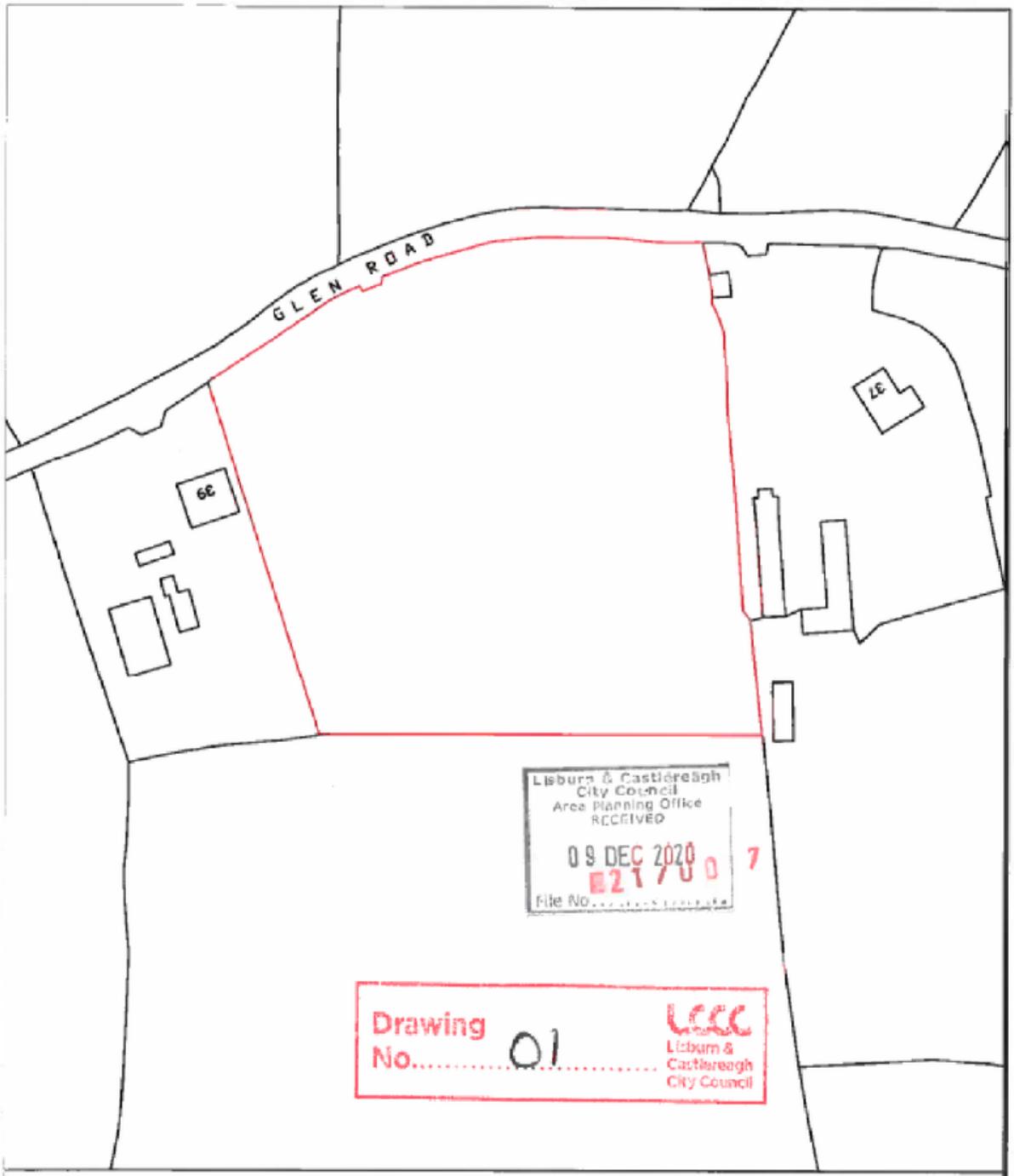
134. It is recommended that planning permission is refused.

Refusal Reasons

135. The following refusal reasons are recommended:

- The proposal is contrary to the SPPS and Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in that there are no overriding reasons why this development is essential in this rural location and the proposal would, if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough
- The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.
- The proposal is contrary to the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposed building would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be unduly prominent in the landscape and would result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside
- The proposal is contrary to the SPPS and Policy OS 3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity/character of the local landscape as it would not be readily absorbed into the local landscape.

Site Location Plan - LA05/2021/0017/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	04 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0866/F
Date of Application	06 August 2021
District Electoral Area	Downshire West
Proposal Description	Erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery.
Location	300m south west of 50 Taughblane Road, Hillsborough.
Representations	None
Case Officer	Richard McMullan
Recommendation	Refusal

Summary of Recommendation

1. The application is presented to the Committee with a recommendation to refuse as, it is considered that the proposal is contrary to the SPPS and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the site is located within an agricultural that is currently active and established and it is necessary for the efficient use of the holding.
2. In addition the proposal is contrary to policy the SPPS and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and that the proposal is sited beside existing farm or forestry buildings.
3. Furthermore the proposal is contrary to the SPPS and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in

that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

4. Finally the proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and it would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Description of Site and Surroundings

Siting

5. The application site is located on the southern side of the Taughblane Road, Hillsborough and approximately 300 metres south west of number 50 Taughblane Road.
6. Access to the site is gained via an existing laneway.
7. The site is set back from the public road by approximately 230 metres. It consists of an agricultural field used for grazing animals.
8. The topography is relatively flat throughout and the boundaries are defined by post and wire fencing with mature landscaping (trees and hedging) with the exception of the western boundary (as the application red line) which is undefined.
9. At the time of inspection there was a poly tunnel adjacent to the access to the field (as annotated on drawings).

Surroundings

10. The character of the area is rural in nature, defined by open agricultural lands with single detached dwellings interspersed. The A1 is located to the south east of the site.

Proposed Development

11. The proposal is for the erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery.

Relevant Planning History

12. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
S/2010/0945/F	11kv overhead powerline	370m S.S.W of 50 Taughblane Road, Hillsborough.	Approval
S/1982/0130	Replacement bungalow and garage.	Adjacent to 36 Taughblane Road, Hillsborough.	Refusal
S/1981/0950	Dwelling and garage.	Adjacent to Taughblane Road, Hillsborough.	Refusal
S/1979/0714	Replacement dwelling	Toughblane Road, Hillsborough.	Refusal
S/1978/0616	Bungalow	Taughblane Road, Hillsborough.	Refusal
S/1975/0414	Bungalow.	Townland of Taughblane, Hillsborough.	Refusal

Consultations

13. The following consultations were carried out:

Consultee	Response
DAERA Countryside Management Inspectorate Branch	Yes/No/No
DAERA Water Management Unit	No objection
DAERA Natural Environment Division (NED)	No objections
Rivers Agency	No objections
DfI Roads	No objections
LCCC EHO	No objections
Shared Environment Service	No objections
Ni. Water	No objections

Representations

14. No representations have been received in respect of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

15. The relevant policy documents are:

- The Lisburn Area Plan
- The draft Belfast Metropolitan Plan 2015
- The Strategic Planning Policy Statement (SPPS), published in September 2015,
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access
- Planning Policy Statement 15 – Planning and Flood Risk
- Planning Policy Statement 21 – Sustainable Development in the Countryside

16. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

18. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
19. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
20. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
21. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
22. Page 49 of the Lisburn Area Plan 2001 states

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

23. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

24. The SPPS states that,

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

25. Paragraph 3.8 of the SPPS states

that the guiding principle for planning authorities in determining planning applications 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.

26. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

27. Paragraph 4.11 of the SPPS states that

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

28. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

29. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

30. Paragraph 4.12 of the SPPS states

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

31. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

32. Paragraph 6.73 of the SPPS states that

provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances;

33. Paragraph 6.78 of the SPPS states that

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Building on Tradition

34. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal. This notes

its primary aim is to support the essential needs of our vibrant rural communities, to conserve our rural landscape and natural resources, facilitate a sustainable rural economy and promote high standards in the design, siting and landscaping of development in the countryside.

A core requirement of much of the development covered by PPS 21 is that it is integrated within (and in particular instances 'Visually Linked' to) the countryside and/or other established buildings.

The policies are structured to direct development to locate within existing small communities, at the edge of small settlements, within existing built clusters, adjacent to established farm groups or if a case can be made to depart from these, to fully integrate with the surrounding landscape.

35. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.

Sustainable Development in the Countryside

36. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

37. Policy CTY 1 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. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

38. The policy also states that

Planning permission will be granted for non-residential development in the countryside in the following cases:

- *farm diversification proposals in accordance with Policy CTY 11;*
- *agricultural and forestry development in accordance with **Policy CTY 12**;*
- *the reuse of an existing building in accordance with Policy CTY 4;*
- *tourism development in accordance with the TOU Policies of PSRNI;*
- *industry and business uses in accordance with PPS 4 (currently under review);*
- *minerals development in accordance with the MIN Policies of PSRNI;*
- *outdoor sport and recreational uses in accordance with PPS 8;*
- *renewable energy projects in accordance with PPS 18; or*
- *a necessary community facility to serve the local rural population.*

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

39. This is a proposal for the erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery.
40. In addition to CTY 12, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
41. Policy CTY 12 – Agricultural and Forestry Development states that;

planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) in terms of character and scale it is appropriate to its location;*
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) it will not have an adverse impact on the natural or built heritage; and*
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used;*
- *the design and materials to be used are sympathetic to the locality and adjacent buildings; and*
- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons*

42. Regard is also had to the justification and amplification which states:

5.50 *As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.*

5.51 *Under the Planning (General Development) Order (Northern Ireland) 1993, known as the "GDO", certain development relating to agriculture and forestry is permitted development i.e. a planning application is not required as permission is deemed to be granted. Where a proposal is not permitted development and express permission is required, planning permission will be granted for agricultural and forestry*

buildings/works subject to the criteria stated, as well as other planning criteria and policy requirements.

- 5.52 *Where permission is sought for a new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist.*
- 5.53 *New buildings can form an integral part of the landscape if developed in sympathy with their surroundings, so as to blend unobtrusively into the landscape. The Department of Agriculture and Rural Development has played an important role with a number of schemes relating to the design of farm buildings. Their publication "Farm Buildings in the Countryside" gives practical guidance on the importance of integrating modern farm buildings into the landscape.*
- 5.54 *A proposal located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding or enterprise. In such cases the applicant will be required to provide sufficient information to demonstrate that this is the case. Where such a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.*
- 5.55 *All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.*
- 5.56 *For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.*
43. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*
44. The policy states that
- a new building will be unacceptable where:*
- (a) it is a prominent feature in the landscape; or*
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) it relies primarily on the use of new landscaping for integration; or*
 - (d) ancillary works do not integrate with their surroundings; or*
 - (e) the design of the building is inappropriate for the site and its locality; or*

- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

45. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

46. The policy states that

A new building will be unacceptable where:

- (a) *it is unduly prominent in the landscape; or*
- (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) *it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

47. Policy CTY 16 - Development Relying on Non-Mains Sewerage states

that Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

48. The policy also states that:

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

49. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

50. With regards to Policy CTY16, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Natural Heritage

51. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
52. Policy NH 1 – European and Ramsar Sites states

that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
- *a listed or proposed Ramsar Site.*

53. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- *there are no alternative solutions; and*
- *the proposed development is required for imperative reasons of overriding public interest; and*
- *compensatory measures are agreed and fully secured.*

53. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that

planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

54. The policy also states that

a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Access, Movement and Parking

55. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

56. Policy AMP 2 – Access to Public Roads states

that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Development Control Advice Note 15 – Vehicular Access Standards

57. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Departments standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Flooding

58. PPS 15 –Planning and Flood Risk sets out planning policies to minimise and manage flood risk to people, property and the environment. It embodies the government's commitment to sustainable development and the conservation of biodiversity. It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk through the implementation of the EU Floods Directive in N. Ireland and the implementation of sustainable drainage systems.

59. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

60. Policy FLD 2 - Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

61. Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that

a Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- *A residential development comprising of 10 or more dwelling units;*
- *A development site in excess of 1 hectare;*
- *A change of use involving new buildings and/or hard surfacing exceeding 1000 square metres in area.*

62. It also states that

a Drainage Assessment will also be required for any development proposal, except for minor development, where:

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

▪ *Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.*

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, 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.

Where the proposed development is also located within a fluvial or coastal flood plain, then Policy FLD 1 will take precedence.

63. Policy FLD 4 Artificial Modification of Watercourses states that

the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *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.*

64. Policy FLD 5 Development in Proximity to Reservoirs states:

New development New development will only be permitted within the potential flood inundation area of a "controlled reservoir"¹⁴ as shown on the Strategic Flood Map, if:

- *the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed;*
- *the application is accompanied by a Flood Risk Assessment which demonstrates:*

1. *an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and*
2. *that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures*

A proposal for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir must be accompanied by a Flood Risk Assessment. Planning permission will be granted provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere.

There will be a presumption against development within the potential flood inundation area for proposals that include:

- *essential infrastructure;*
- *storage of hazardous substances;*
- *bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.*

Assessment

Environmental Impact

65. It is considered that the development as proposed does not fall within the scope of the above regulations.
66. The total footprint of the development at 256 metres squared less than 500 metres is less than the threshold for assessment. . Therefore it would not fall within Schedule 2 1(c) of the above regulations. An EIA determination is therefore not required for the development as proposed.
67. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Agriculture and Forestry Development.

68. The first step of the policy test is to determine if the development is located within an **active and established agricultural or forestry holding**.
69. Advice has been sought from DAERA Countryside Management Inspectorate Branch on a number of occasions to determine if the proposed development is located within an active and established agricultural or forestry holding.

70. DAERA has consistently advised that the farm business number under which this application has been made (659200) has been in existence for more than six years. It is confirmed that the farm business number was allocated 31 March 2014 and that it is a Category 1 business.
70. That said, advice received confirms that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last six years.
71. Advice is also provided that the application site is located on land associated with another farm business. Email correspondence from the agent dated 12th October 2021 outlines that the 'lands at Taughblane Road are apparently linked with the farm ID number of the party who had rented the lands in the last two years'.
72. An email from the agent dated 13th January 2022, also outlines that the applicant is in discussion with DAERA to see why his farm ID number has not yet been re-linked with the application site. It is outlined that there is no issue of land ownership, the lands are in the applicant's ownership and title.
73. The agent states that it is his understanding that the lands should be associated with the applicant's farm ID number since October 2021, when the last rental to a third party ceased. This was a temporary arrangement..
74. The agent explains that the applicant is endeavouring to have the application site linked with his own Farm ID number, and is in further discussion with DAERA to have this resolved and that the Council will be kept informed of progress in this regard.

To date no further information has been provided in respect of this issue and there has been no reason to further consult DAERA.

75. As explained above paragraph 5.56 of the justification and amplification to Policy CTY 12 explains that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.
76. Paragraph 5.38 of the justification and amplification to Policy CTY 10 states that

new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the Farms DARD business ID number along with other evidence to prove active farming over the required period.

77. Paragraph 5.39 of the justification and amplification to Policy CTY 10 also states that

For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking,

breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. This is in line with 27EU and DARD regulations; Article 2 of European Council Regulation (EC) No. 73/2009.

78. As a result of the comments received from DAERA the agent provided documentation in respect of the levels of agricultural activity within the unit. Following a full assessment of the information provided (DAERA Movement Documents, Animal Tag Lists, Buyer Forms (Cattle), Cattle Purchase Invoices, Sheep Register and a Bovine Herd Register) the Council is content that the applicant has an established agricultural business.
79. Whilst the information provided illustrates that the applicant has an established agricultural business the consultation responses provided by DAERA confirm that the application site is not/has not been within this holding and it has been admitted within correspondence provided by the agent that it has been leased/rented to a third party for at least two years and that there has been farming activity on the holding for at least this period of time
80. As a consequence it is concluded on the balance of the advice from DAERA that insufficient information has been submitted to demonstrate that the holding is established and active agricultural for the last 6 years.
81. The second step of the policy test is to determine if the development is **necessary for the efficient use of the agricultural holding or forestry enterprise.**
82. A planning statement has been provided in support of this application. It outlines a number of points in support of the need for these buildings. It is stated that the applicant resides at 1 Jenny's Lane, Lisburn and that they actively farm and manage a dispersed farm holding comprised of more than 30 acres for the last 20 years. It is outlined that the holding comprises of lands at Jenny's Lane (applicant's residence), Sheepwalk Road and Taughblane Road (application site).
83. It is outlined that farming activities include principally but not exclusively, the raising of livestock. Occasionally, some of the land is let on conacre and grass is generally used for silage.
84. The supporting information states that the farmland is maintained in good condition and has benefitted from ongoing investment in maintenance of indigenous hedges and renewal of boundary fencing. The lands at Taughblane (application site) have had boundary fencing renewed in the last three to four years.
85. It is also outlined that the farm holding does benefit from one building located at Jennys Lane, which is approximately 288 square metres in size with a lean too approximately 113 square metres in size. This is used for general purpose storage of farm machinery, feed stuffs and materials etc.

86. It is explained that due to the dispersed nature of the farm holdings it is necessary to provide additional farm buildings on the lands at Taughblane Road to facilitate the efficient management and progress of the farming activities.
87. A temporary polytunnel structure is in use presently but is not large enough or adequate for purpose, especially in winter months, so this application is a permanent solution.
88. Approval is sought for two agricultural buildings as follows;
 - Shed 1 (60ft x 26ft) suitable for equipping with sheep pens for the birthing and rearing of lambs, and
 - Shed 2 (45ft x 26ft) a general purpose storage shed for the storage of arm equipment, animal feed and bedding & other necessary equipment & products used in the day-to-day running of the farming operations.
89. The history of the application site is outlined within the supporting information and the view is expressed by the agent that the location, services, access and integration of the development would be acceptable.
90. The agent further explains that the proposal is for a modest scheme which will facilitate the improvement and advancement of the agricultural operations on this land which has been farmed by the applicant for some considerable time. The proposed buildings are stated to be well distanced from any other dwellings or buildings and are capable of successful integration in the landscape and topography. The existing access is well established and to a good standard. The application should be approved as it will enhance the viability and longer term success of the farming operations.
91. The advice from DAERA which outlined that the field in which the development is proposed is located on land associated with another farm business has also been taken into consideration. In addition to this, it has been confirmed via correspondence from the agent in this case (email 12th October 2021) that the field in question has been rented for 2 years to a third party.
92. Other than an explanation that farm is dispersed over a wide area no justification is offered for two buildings and it is not clear that the farming practice is changed over 20 years to justify even one building. In fact taking that the land was let and used by another business would indicate that the existing buildings are adequate for the purpose of managing the holding it is considered that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.
93. The third step of the policy test is to determine whether the proposed development **visually integrates into the local landscape and additional landscaping is provided as necessary.**

94. Given the degree of set back from the Taughblane Road as outlined above, in conjunction with existing landscaping and the nature of the topography of the area it is considered that the development would visually integrate into the local landscape and that the siting of the proposed building would not be visible features within the local landscape.
95. The fourth step of the policy test is to demonstrate that the development **will not have an adverse impact on the natural or built heritage**.
96. It is considered that the development as proposed would not have an adverse impact on the natural environment/heritage of the local area. It is noted that DAERA Water Management Unit and Natural Environment Division (NED) have been consulted and are content.
97. NED in their consultation response have considered that there is to be no likely significant effect on Designated Sites. NED acknowledges receipt of a Biodiversity Checklist and has considered the contents.
98. NED has confirmed that it is content that the proposed development is unlikely to significantly impact badger setts or roosting bats. NED notes that the proposed development may involve the removal of hedgerow and therefore the proposed development has the potential to impact breeding birds.
99. The applicant is advised that under the Wildlife (Northern Ireland) Order 1985 (as amended) it is an offence to intentionally or recklessly, take, damage or destroy the nest of any wild bird while the nest is in use or being built. NED thus advise that any removal of vegetation on site is undertaken outside the bird breeding season between 1st March and 31st August, or checked by a suitably qualified ecologist, with suitable protective measures undertaken should any active nests be found.
100. Water Management Unit have also confirmed that they are content with the proposal subject to the applicant noting the advice contained in the explanatory note, the applicant referring and adhering to DAERA Standing Advice and any relevant statutory permissions being obtained.
101. The Shared Environmental Services Unit (SES) have also outlined via consultation that they find no concerns with the development. SES outline that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.
102. No European site is within the 7.5km screening for ammonia emitting projects, therefore no conceivable impact has been identified, due to the location, nature and scale of the proposal.
103. For the reasons set out above, it is contended that the development would not result in any adverse impacts upon any features of natural heritage importance.

104. No built heritage features of note are located within the local area that the development could have any impact upon. Therefore, it is seen that no issues of concern would arise with regard to any built heritage features.
105. The fifth step of the policy test is to demonstrate that the development **will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.**
106. Properties at 12 and 16 Mazeview Road, Hillsborough are noted to the west and south of the site.
107. The Council's Environmental Health Unit offer no objections to the development. With this in mind, it is therefore considered that the development will not result in any detrimental impacts on the amenity of residential dwellings outside of the holding. No issues of concern shall arise as a result of adverse noise, smells or pollution.
108. In cases where a new building is proposed on a farm the applicant also needs to provide sufficient information to confirm all of the following;
 - There are no suitable existing buildings on the holding or enterprise that can be used;
 - The design and materials to be used are sympathetic to the locality and adjacent buildings.
 - The proposal is sited beside existing farm or forestry buildings.
109. No information has been provided which confirms that any of the other existing buildings at Jenny's Lane are at capacity and cannot be used.
110. An internal inspection of the buildings at Jenny's Lane on 7th December 2021 found that the larger of the two buildings was in use for the storage of mainly non-agricultural materials. Some agricultural equipment including a tractor was noted.
111. It was noted a medium to large quantity of garden equipment including gazebos were being stored. It was also noted that the shed was sub-divided, with the rear section being seen to be storing furniture..
112. This shed appeared to have further capacity for the storage of livestock and further agricultural materials as required. Potentially, it could be further sub-divided and/or added too to provide the space for the purposes to which the new development is sought.
113. The design and materials of the development as detailed within this submission would be considered to be sympathetic to the local area. It is noted that the development would not be sited beside adjacent buildings. As annotated upon the submitted site layout drawing the development is to be sited adjacent to a 'temporary polytunnel'.

114. This policy requires such development to be sited beside existing farm or forestry buildings. The word buildings is plural and refers to more than one building.
115. Only one structure is located within the site for the development to be sited beside. It is also considered that this structure (polytunnel) would not be considered to be an existing farm building for the purpose of policy CTY 12.
116. As outlined within Planning Appeal ref: 2020/A0061 the mere fact that something has been erected on land is not sufficient to make it a building for the purposes of policy and it is for the decision maker to determine what constitutes a building on a fact and degree basis.
117. Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where;
 - it is essential for the efficient functioning of the business; or
 - there are demonstrable health and safety reasons.
118. As the development is considered to not be sited beside existing farm or forestry buildings within the holding the above exceptions test is therefore engaged.
119. In this case it is considered that there would be available space adjacent to the existing farmhouse and outbuilding at the applicants outlined home address at Jenny's Lane were the development as proposed could be provided.
120. The supporting information provided is considered would not override the above exceptions test. It is not considered that it has been demonstrated that the development as proposed is **essential** [my emphasis] for the efficient operation of the farm business.
121. In addition no demonstrable health and safety reasons have been offered for consideration to justify the remote siting of the development, away from the principal group of buildings within the holding.

Integration and Design of Buildings in the Countryside

122. Turning then to policy CTY13 it is considered that the development as proposed would not be a prominent feature within the local landscape. Both buildings propose ridge heights of 4.6 metres. This in conjunction with the degree of set back from the Taughblane Road and the existing screening offered by the site would result in a development that would not be prominent.
123. Three of four boundaries have mature landscaping (trees/hedging) which are considered to provide for an adequate level of integration for the development as proposed. . It is considered that the development would not rely upon new

landscaping for integration purposes. Ancillary works required, as a result of the flat nature of the site would be seen to be acceptable.

124. The design of the buildings as proposed would be visually integrated into the landscape in accordance with the requirements of policy CTY 13. The form, scale, massing and detailing and proposed materials (as detailed above) would be considered to be appropriate for the site and local area, notwithstanding that the principle of the development cannot be established. The development would be able to blend into the site, utilising existing adjacent landscaping and rolling topography to integrate into the local landscape.

Rural Character

125. The development would not be considered to be an unduly prominent feature within the local landscape. However the provision of two buildings in the open countryside would result in a sub-urban style build-up of development which would further erode the rural character of the local area.
126. It in turn would also not respect the pattern of development found within the local area and would result in piecemeal development in the open countryside. This would further erode the rural character of the countryside if permitted and the requirements of policy CTY 14 are not met for these reasons.

Development Relying on Non-Mains Sewerage

127. Detail submitted with the application indicates that the development will not generate any foul sewerage. Therefore, no issues of concern shall arise with respect to same.

Access, Movement and Parking

128. The Taughblane Road is not a protected route and detail submitted with the application indicates that the development will make use of an existing unaltered access to a public road. DfI Roads have been consulted and offer no objection.
129. It is therefore considered that the development is in accordance with the requirements of criteria (a) of Policy AMP 2 of PPS 3.

Natural Heritage

130. It is considered that the development as proposed would not have an adverse impact on the natural environment/heritage of the local area. It is noted that DAERA Water Management Unit and Natural Environment Division (NED) have been consulted and are seen to be content.

131. NED considers that there is to be no likely significant effect on Designated Sites. NED acknowledges receipt of a Biodiversity Checklist and has considered the contents. NED is content that the proposed development is unlikely to significantly impact badger setts or roosting bats. NED notes that the proposed development may involve the removal of hedgerow and therefore the proposed development has the potential to impact breeding birds. The applicant is advised that under the Wildlife (Northern Ireland) Order 1985 (as amended) it is an offence to intentionally or recklessly, take, damage or destroy the nest of any wild bird while the nest is in use or being built. NED thus advise that any removal of vegetation on site is undertaken outside the bird breeding season between 1st March and 31st August, or checked by a suitably qualified ecologist, with suitable protective measures undertaken should any active nests be found.
132. Water Management Unit is content with the proposal subject to the applicant noting the advice contained in the explanatory note, the applicant referring and adhering to DAERA Standing Advice and any relevant statutory permissions being obtained.
133. The Shared Environmental Services Unit (SES) have also outlined via consultation that they find no concerns with the development. SES outline that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. No European site is within the 7.5km screening for ammonia emitting projects, therefore no conceivable impact has been identified, due to the location, nature and scale of the proposal.
134. Taking the above into consideration it is contended that the development would not result in any adverse impacts upon any features of natural heritage importance

Flooding

135. Rivers Agency have been consulted within the processing of this application and are seen to offer no objections.
136. It is noted that The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. It is also seen that this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required.
137. FLD 2, FLD 4 and FLD 5 are noted as not being applicable to this site.
138. It is therefore considered that the development as proposed would be in keeping with the requirements of PPS 15 Planning and Flood Risk and no issues with respect to flooding either within the site or adjacent to it would arise.

Conclusions

139. Following a full assessment of the merits of the development as proposed it is considered that it is not in keeping with planning policy and guidance and as such warrants refusal.
140. For the reasons outlined above, it is considered that the proposal is contrary to the SPPS and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the site is located within an agricultural that is currently active and established and it is necessary for the efficient use of the holding.
141. In addition the proposal is contrary to policy the SPPS and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and that the proposal is sited beside existing farm or forestry buildings.
142. Furthermore the proposal is contrary to the SPPS and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
143. Finally the proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and it would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Recommendations

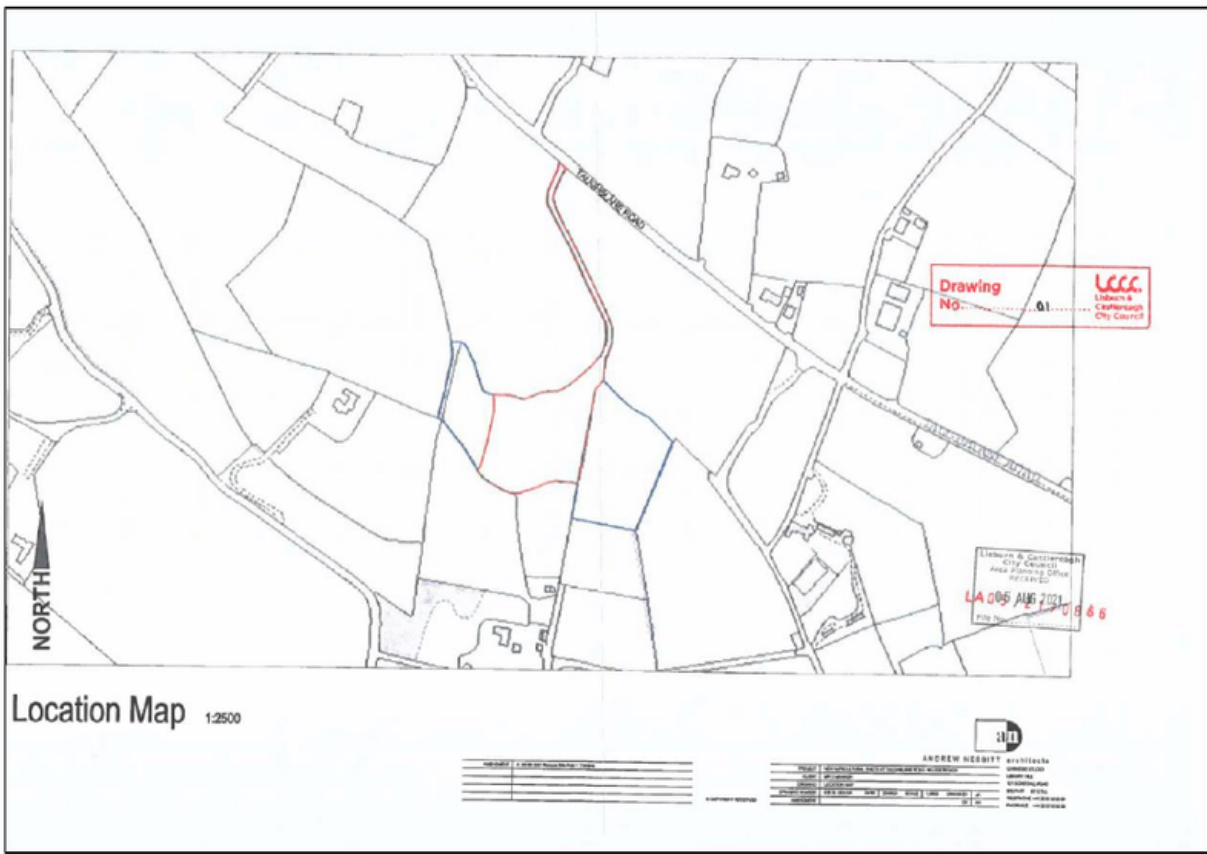
144. It is recommended that planning permission is refused.

Refusal Reasons/Conditions

145. The following refusal reasons/conditions are recommended:
- The proposal is contrary to the SPPS and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the site is located within an agricultural

(or forestry holding) that is currently active and established and/or it is necessary for the efficient use of the active and established agricultural (or forestry) holding.

- The proposal is contrary to policy the SPPS and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and that the proposal is sited beside existing farm or forestry buildings.
- The proposal is contrary to policy the SPPS and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm (or forestry) buildings or that the alternative site away is essential for the efficient functioning of the business.
- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and it would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	04 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0288/F
Date of Application	11/03/2021
District Electoral Area	Downshire West
Proposal Description	Proposed "dutch barn style" hay shed
Location	Site 88m east of No 75 Grove Road, Dromore, BT25 1QY
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse.
3. It is considered that the proposal is contrary to the Strategic Planning Policy Statement (SPPS) 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.
4. It is also considered that proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;

- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
5. In addition, the proposal is also contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
 6. And the proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permission create a ribbon of development.

Description of Site and Surroundings

Site

7. The site is located to the northern side of the Grove Road, Dromore. It appears to be a paddock, relatively flat in nature with a few wispy trees to the rear of the site.
8. The land is slightly lower level than the road. Along the frontage to the south of the site there is a bank with mature hedging and vegetation along it.

Surroundings

9. The site is located within the countryside and the surrounding area is rural in nature characterised by farm land, farm outbuildings and residential properties.
10. The nearest residential properties to the site are 75 metres to the west and also approximately 200 metres to the east of the site.

Proposed Development

11. This is a full application for a proposed 'dutch barn style' hay shed.

Planning History

12. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2018/0390/O	Proposed storey and a half dwelling with detached garage	Site West of no. 75 Grove Road, Dromore, BT25 1QY	Permission Granted 11/03/2019
LA05/2018/0909/F	Agricultural building for livestock and crops	Site 100m west of 85 Grove Road, Dromore, BT25 1QY	Permission Refused 20/06/2019
LA05/2022/0204/O	A new building house	Site west of 75 Grove Road, Dromore, BT25 1QY	Decision pending

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Countryside Management Inspectorate Branch	Detail provided below
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection

Representations

14. No representations have been received to the proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

15. The relevant policy documents are:
 - The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside

16. The relevant guidance is:
 - Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

17. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
18. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
19. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
20. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
21. Page 49 of the Lisburn Area Plan 2001 states

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.
22. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

23. The SPPS states that

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

24. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
25. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
26. Paragraph 3.8 of the SPPS states
- that the guiding principle for planning authorities in determining planning applications 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.*
27. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
28. Paragraph 4.11 of the SPPS outlines there are a wide range of environment and amenity considerations, including noise and air quality, which should be

taken into account by planning authorities when proposing policies or managing development.

29. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
30. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
31. Paragraph 4.12 of the SPPS states

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

32. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
33. Paragraph 6.73 of the SPPS states that

provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.

34. Paragraph 6.78 of the SPPS states that

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Building on Tradition

35. Whilst not policy, and a guidance document, the SPPS states
that regard must be had to the guidance in assessing the proposal.
36. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.

PPS 21 - Sustainable Development in the Countryside

37. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

38. Policy CTY 1 – 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. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

39. The policy also states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

40. Planning permission will also be granted in the countryside for:

- *a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;*
- *the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;*
- *the provision of social and affordable housing in accordance with Policy CTY 5;*

- a residential caravan or mobile home in accordance with Policy CTY 9;
- the conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;
 - an extension to a dwelling house where this is in accordance with the Addendum to PPS 7; or
- Travellers Accommodation where this is in accordance with Policy HS 3 of PPS 12.

41. Planning permission will be granted for non-residential development in the countryside in the following cases:

*farm diversification proposals in accordance with Policy CTY 11;
 agricultural and forestry development in accordance with Policy CTY 12;
 the reuse of an existing building in accordance with Policy CTY 4;
 tourism development in accordance with the TOU Policies of PSRNI;
 industry and business uses in accordance with PPS 4 (currently under review);
 minerals development in accordance with the MIN Policies of PSRNI;
 outdoor sport and recreational uses in accordance with PPS 8;
 renewable energy projects in accordance with PPS 18; or
 a necessary community facility to serve the local rural population.*

42. This is a proposal for the development of hay shed and is to be assessed against the requirements of policy CTY 12.

43. In addition to CTY 12, there are other CTY policies that are engaged as part of the assessment including CTY8, 13 and 14, and they are also considered.

44. Policy CTY 12 – Agricultural and Forestry Development states:

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) *it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) *in terms of character and scale it is appropriate to its location;*
- (c) *it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) *it will not have an adverse impact on the natural or built heritage; and*
- (e) *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used;*
- *the design and materials to be used are sympathetic to the locality and adjacent buildings; and*

- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

45. Regard is also had to the justification and amplification that states:

5.50 As agriculture and forestry continue to change and develop, it is important that the planning process continues to support the operational needs of these enterprises.

5.51 Under the Planning (General Development) Order (Northern Ireland) 1993, known as the "GDO", certain development relating to agriculture and forestry is permitted development i.e. a planning application is not required as permission is deemed to be granted. Where a proposal is not permitted development and express permission is required, planning permission will be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as other planning criteria and policy requirements.

5.52 Where permission is sought for a new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist.

5.53 New buildings can form an integral part of the landscape if developed in sympathy with their surroundings, so as to blend unobtrusively into the landscape. The Department of Agriculture and Rural Development has played an important role with a number of schemes relating to the design of farm buildings. Their publication "Farm Buildings in the Countryside" gives practical guidance on the importance of integrating modern farm buildings into the landscape.

5.54 A proposal located away from existing agricultural or forestry buildings will only be acceptable where it is shown to be essential for the efficient functioning of the holding or enterprise. In such cases the applicant will be required to provide sufficient information to demonstrate that this is the case. Where such a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

5.55 All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

5.56 *For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.*

46. Policy CTY 8 – Ribbon Development states:

Planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

47. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
48. Regard is also had to the justification and amplification that states:

5.32 *Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.*

5.33 *For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.*

5.34 *Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.*

49. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that

planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The policy directs that a new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

50. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

51. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

52. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Natural Heritage

53. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

54. Policy NH 1 – European and Ramsar Sites states

that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
- *a listed or proposed Ramsar Site.*

55. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- *there are no alternative solutions; and*
- *the proposed development is required for imperative reasons of overriding public interest; and*
- *compensatory measures are agreed and fully secured.*

56. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that

planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*

- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

57. The policy also states that

a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

PPS 3 - Access, Movement and Parking

58. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

59. Policy AMP 2 – Access to Public Roads states

that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) *the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

Development Control Advice Note 15 – Vehicular Access Standards

60. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Planning and Flood Risk

61. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.

62. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

63. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that

the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

64. Policy FLD 3 Development and Surface Water (Fluvial) Flood Risk Outside Flood Plains states that

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- *A residential development comprising of 10 or more dwelling units*
- *A development site in excess of 1 hectare*
- *A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.*

A Drainage Assessment will also be required for any development proposal, except for minor development, where:

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, 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.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

Assessment

65. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Agricultural and Forestry Development

66. Detail submitted with the application states that the applicant is Mr Wilson of 71 Laney Road, Moira and that he has a farm business ID which has been established for more than 6 years. The P1C form also states that no claims are made to the Department for subsidies.

67. The P1C form also states that

the land associated with the farm outbuildings is too marshy, to develop for residential accommodation and the placement was chosen next to a cross roads intersection adjacent to an existing dwelling.

68. The above statement seeks to sever the relationship between the farm dwelling (not constructed) and the farm buildings based on ground conditions and siting as a material consideration. This matter is dealt with later in the report.
69. A farm map has been submitted dated 2013. It is noted that the proposed site is not within the mapped area of the farm holding.
70. DAERA Countryside Management Inspectorate Branch have confirmed that the applicant's farm business has been in existence for more than 6 years being allocated on 09/05/2005. It is category 1, but the applicant hasn't claimed payments in each of the last 6 years, , and that the site is not on land currently being claimed and also located within an unmapped area.
71. Policy CTY12 Agricultural and Forestry Development states that planning permission will be granted **on** [my emphasis] an active and established agricultural or forestry holding where it is demonstrated that certain criteria are met.

The first policy test in relation to agricultural or forestry development requires the development to be located on an established agricultural or forestry holding. DAERA has confirmed that the proposal is not within the mapped area of the farm holding the business is established and this part of the policy test is met.

72. The second policy test is to ascertain if the **farm holding is active**. DAERA have confirmed that the farm business has been in existence for more than 6 years however no claims have been made.
73. Additional information has been submitted in support of the application in which the applicant believes shows that the farm is active for the requisite period of 6

years.

74. A letter from the agent received on 11 May 2021 provides copies of invoices which relate to both the baling of haylage from September 2011 to 2017. Also included are invoices for the same period of time, these relate to the supply and sowing of fertiliser on the land which up to this point has been done by external contractors.
75. The letter also states that the applicant intends to have the capabilities to store and sow this himself which requires the ability to have a farm shed on his land. However the location of the shed is on land that is of poor agricultural value in comparison to the good arable land identified on his farm maps.
76. This statement provided by the agent acknowledges that the site for the proposed farm shed is not within/on the applicant's farm holding as is demonstrated by the farm maps.
77. Further details provided by the agent advises on some history/medical circumstances of the applicant however it is considered that this does not provide evidence of farming activity on the holding for the requisite 6 years.
78. Details of invoices were also submitted from McKelvey Bros who provided farm supplies to Roger Wilson of 71 Lany Road, Moira (the applicant):
 - Invoice number 75059 dated 19/04/2011 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75060 dated 18/04/2012 for 1.5 tonnes of 27% N supplied and sowed at Grove Road;
 - Invoice number 75061 dated 22/04/2015 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75062 dated 06/04/2017 for 1.5 tonnes 27% N supplied and sowed;
 - Invoice number 75063 dated Sept 2011 for baled haylage;
 - Invoice number 75066 dated 08/04/2016 or 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75069 dated 26/04/2013 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75072 dated Sept 17 for baled haylage;
 - Invoice number 75073 dated Aug 2016 for haylage;
 - Invoice number 75074 dated Sept 2015 for baled haylage;
 - Invoice number 75075 dated Aug Sept 2013 for baled haylage;
 - Invoice number 75076 dated 16/04/2014 for 1.5 tonnes 27% N supplied and sowed at Grove Road;
 - Invoice number 75077 dated Aug 2014 for baled haylage;
 - Invoice number 75078 dated Sept 2012 for baled haylage;
79. It is noted that all of the above invoices are not signed and that there are consecutive invoice numbers with different dates on them.

80. Detailed below is information that the agent advises is from the applicants farm accounts which shows details of hedge cutting, digger work, round baling and fertilizer produce. These were supplied by James English running concurrently from 2018 to present day :-
- Copies of invoices from James English to Rodger Wilson of 71 Lany Road:
 - Invoice number 3 dated 30/09/2018 Ref Grove Road for hedges cut and digger work;
 - Invoice number 4 dated 19/09/2019 Ref Grove Road for hedges cut and digger work;
 - Invoice number 5 dated 23/09/2020 Ref Grove Road for hedges cut and digger work;
 - Invoice number 6 dated 22/09/2021 Ref Grove Road for hedges cut and digger work;
 - Invoice number 9 dated 19/08/2019 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 10 dated 22/08/2018 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 11 dated 26/08/2020 Ref Grove Road for Fertiliser sowed and supplied and round baling;
 - Invoice number 12 dated 20/08/2021 Ref Grove Road for Fertiliser sowed and supplied and round baling;
81. It is noted that all of the above invoices have consecutive invoice numbers with different dates on them.
82. It is accepted that the information provided by the agent shows some activity from 2011 to 2021.
83. Whilst the agent advises that the information supplied is from the applicant's farm accounts no evidence of actual far accounts are provided in support of the application.
84. The agent has stipulated that the information supplied is the same deemed eligible and used for the attainment of the farm dwelling on Grove Road under application LA05/2018/0390/O.
85. The information supplied for consideration at the time of application LA05/2018/0390/O was also considered not to comply with policy and a recommendation to refuse the application was presented to the Planning Committee.
86. That said, Members cited the following reasons for going contrary to the officer recommendation in that case:

In respect of criteria (a) of policy CTY10 – this is a finely balanced decision however the Committee are satisfied that the evidence presented is consistent with the farm being established for more than 6 years and that it is currently

active. The Committee are also satisfied that the reason the applicant is not in receipt of Single Farm Payment is due to ill health.

In respect of criteria (b) of policy CTY10 - the Committee is satisfied that there is no evidence presented contrary to the advice of the applicant to demonstrate that any development opportunities had been sold off the farm in the last 10 years.

In respect of criteria (c) of policy CTY10 – The applicant was bequeathed a farm with no buildings to cluster with and it is the Committee’s opinion that this is the optimum location for the development on this farm.

In respect of policy CTY13 – This proposal provides the least prominent location on the site due to it being in a dip, it does not require landscaping to integrate as the site has established boundaries and there will not be any ancillary works.

As this is outline planning permission, the design can be conditioned under Reserved Matters. The Committee consider that it blends with the land form.

In respect of policy CTY14 – This will not result in urban sprawl and will respect the rural character of the area.

87. Additional information was submitted by e-mail on 24 March 2022 for consideration. The email stated the following:

‘the client has provided proof that the fields being applied for are all within his folio of ownership. This correlates to the Farm Business Maps but for reasons unknown DARD have not outline it in Purple it does form part of the scrub land of his farmland.

88. The applicant has also provided confirmation via an accountant, BMC Newry, that he has been filing his farm accounts for the past 25 years. They have confirmed the farm machinery that they have accounted for in their accounts’.

89. The evidence/information attached to the agents e-mail for consideration is as follows:

A letter on headed paper from BMC Accountants Ltd dated 23rd March 2022 and details that they act as accountants and tax agents for Rodger Wilson of 71B Lany Road, Moira, Antrim, BT67 0PA. It states ‘We confirm that BMC Accountants Ltd has been preparing Farm Accounts & Tax Returns for Mr Wilson for over 25 years. Mr Wilson is the owner of Farm land at Grove Road, Dromore, Co. Down’.

90. A list is provided of the machinery owned by Mr Wilson – Ford vintage 610 tractor; 1 x Teagle SX 4000 Dry Fertiliser spinner; plough NAUD RCX 457; Hey Claas Liner 420 for making bails / kiker for grass; Nugent bale handling for round bale; and a Kane grass trailer.

91. The letter from the accountant states that they have been preparing farm accounts and tax returns for Mr Wilson for over 25 years, however no other evidence has been provided of farm accounts etc. to support this.
92. Whilst the letter from the accountant also details what machinery the applicant owns it does not show farming activity for a 6 year period.
93. A letter from James Ballentine and Son Solicitors dated 18th March 2020 which states 'We hereby confirm Mr Rodger Wilson of Flatfield House, 71 Lany Road, Moira is the registered owner of lands comprised in Folio Number DN 98394 County Down and 6421 County Down'. And the folio maps are attached. The folio maps details land north and south of the Grove Road.
94. The folio maps provided shows that the land detailed on the farm maps is within the applicant's ownership and also land to the north of the Grove road not detailed on the farm maps which includes the application site is within the applicant's ownership.
95. Previous planning appeal decisions such as 2014/A0227, provide an indication of the level of evidence required to prove that a farm business is active and established. It is considered that the submission made by the agent/applicant falls short of this.
96. It is noted that the onus is on the applicant to provide sufficient/accurate evidence to demonstrate that the farm business in which the application rests is active and established for at least 6 years.
97. It is considered that the submitted evidence detailed above does not conclusively demonstrate that the farm business has been active and established for at least 6 years.
98. It is considered that on the basis of the information/evidence provided that the farm business is not active for the requisite period of 6 years.
99. Turning to the balance of the policy test (a) – (e) and assessment is set out in the paragraphs below for completeness.
100. In terms of criteria (a), from site inspection and information from the agent it can be seen that the applicant has no other outbuildings that could be used in association with the operation of the holding. This is the first farm building. .
101. It is considered that no evidence has been submitted to show that a building to store hay / animal feed at the proposed location is necessary for the efficient use of the agricultural holding as it is indicated that the farm is established for more than six years (notwithstanding the view expressed above that based on the evidence the farm is not active).
102. In terms of criteria (b), the proposal is located within the rural area and farm buildings are relatively common in this part of the countryside. The proposed shed is described as a dutch barn style hay shed and is L shaped.

103. The main part of the shed measures 16.2 metres by 7.5 metres and a section of it from one end for transfer pens and it protrudes out from the main part of the shed by 7 metres and is 5.6 metres in width.
104. The maximum height of the shed is 7.3 metres. The exterior finishes are as follows: roof to be corrugated tin in black, black aluminium rainwater goods, walls to be corrugated tin in black and rendered blockwork and doors to be plastisol in colour black. These are considered to be acceptable for a farm shed and at this location in the rural area.
105. The character and scale of the proposal would fit with and be appropriate to its location.
106. In terms of criteria (c), the site is relatively flat and the proposal is positioned towards the front of the field. It is set at a lower level than the existing road to which the access to the site is from.
107. The existing landscaping to the front boundaries would be retained and supplemented where necessary with only existing landscaping being removed where a gate access is proposed.
108. The existing vegetation to the rear of the site and beyond would act as a backdrop to the proposal. Public views of the proposal would be limited. It is considered that the proposal would visually integrate into the local landscape. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
109. In terms of criteria (d), the proposal is not within a buffer zone of any built heritage. Existing landscape boundaries are being retained except where the proposed entrance gate would be and there are no conditions on site that present any concerns with its impact on natural heritage.
110. It is considered that the proposal would not have an adverse impact on the natural or built heritage. Notwithstanding the view expressed above that based on the evidence the farm is not active and established.
111. In terms of criteria (e), the proposal is for the storage of hay. The nearest neighbouring residential dwelling to the proposal is approximately 75 metres away. Environmental Health have been consulted and have no objections to the proposal.
112. It is considered that the proposal would not result in detrimental impact on the amenity of residential dwellings outside the holding.
113. As a new building is proposed applicant must also provide sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used, that the design and materials to be used are sympathetic to the locality and adjacent buildings and that the proposal is sited beside existing farm or forestry buildings.

114. As previously stated and based on the information provided and from site inspection it can be seen that there are no suitable existing buildings on the holding that can be used, and the agent has submitted in writing that there are no other buildings on the farm holding.
115. The design and materials proposed for the shed, as detailed above, are considered to be sympathetic to the locality. The proposal is however not sited beside existing farm or forestry buildings and fails to comply with the policy on this point. A dwelling is approved on the holding but not constructed. It is normal for farm buildings to be collocated with the place of residence of the farmer for the purpose of ease of access to livestock and equipment. No justification is provided for the location of the first farm building distant from the proposed dwelling.
116. Policy makes provision for an alternative site away from the existing farm or forestry buildings, in exceptional circumstances, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
117. It has not been demonstrated that the proposal is essential for the efficient functioning of the business or that there are demonstrable health and safety reasons for the proposal at this location and therefore this exception is not applicable.
118. Based on the information submitted it is considered that the proposal does not comply with policy CTY 12 of PPS 21 and that it fails to satisfy the policy test associated with policy CTY 1 of PPS 21.

Ribbon Development

119. The proposal would sit on its own (as in not surrounded by other development) and has a road frontage being located adjacent to the Grove Road.

It is considered that the proposal would create a ribbon of development at this location along the Grove Road and is therefore contrary to policy CTY 8 in that the building if approved would create a ribbon of development along the Grove Road.

Integration and Design of Buildings in the Countryside

120. Turning then to policy CTY13, in terms of criteria (a), and taking into account the topography of the site, the existing vegetation along the roadside and the setback position from the road, it is considered that the proposal would not be a prominent feature in the landscape.
121. In terms of criteria (b), the existing boundary treatments and surrounding vegetation would provide a suitable degree of enclosure for the proposal to

integrate.

122. In terms of criteria (c), the proposal would not rely primarily on the use of new landscaping for integration.
123. In terms of criteria (d), any ancillary works including the yard and entrance will integrate into their surroundings for the reasons outlined above.
124. In terms of criteria (e) and for the reasons outlined above, the design is considered to be appropriate for the site and its locality.
125. In terms of criteria (f), it is considered that the proposal would blend into the locality and have an existing backdrop of trees to the rear and rolling topography behind it.
126. Criteria (g) is not applicable.
127. For the reasons outlined above, it is considered that the proposal complies with policy CTY 13.

Rural Character

128. Turning to policy CTY 14, In terms of criteria (a) and for the reasons outlined above, it is considered that the proposal would not be unduly prominent in the landscape.
129. In terms of criteria (b), it would not result in a sub-urban style build-up of development when viewed with existing and approve buildings.
130. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area.
131. In terms of criteria (d), the proposal would create a ribbon of development as discussed above under policy CTY 8 Ribbon Development.
132. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.
133. The proposal is therefore contrary to criteria (d) of policy CTY 14 in that it would create a ribbon of development.

Access, Movement and Parking

134. PPS 3 sets out policies to ensure that any new development does not create a traffic hazard.
135. The proposal involves the creation of a new access onto the Grove Road to the south eastern end of the application site. The Grove Road is not a protected route. Visibility splays of 4.5 metres by 60 metres in both directions are

proposed.

136. DfI Roads have been consulted and have no objection to this development proposal with conditions and informatives provided.
137. On the basis of the information submitted and consultation with DfI Roads it is considered that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic. It is considered that a safe access can be provided in accordance with the requirements of criteria (a) of policy AMP 2PPS 3 and DCAN 15. The Grove Road is not a protected route and compliance with criteria (b) of the policy is not required.

Natural Heritage

138. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
139. The application site is not within or adjacent to any designated areas such as ASSI's etc. There are no existing structures or buildings within the site and it consists of grassland.
140. In this case no unnecessary vegetation or trees are being removed. The only vegetation being removed would be a small portion of the boundary to the front of the site to accommodate a safe access.
141. For the reasons outlined, no protected habitat would be negatively affected by the proposal nor will the development have a negative impact on any natural heritage. It is considered that the proposal complies with PPS 2.

Planning and Flood Risk

142. From site inspection it can be seen that there is a small watercourse that runs along a small section of the eastern boundary of the field which the application site sits within and a sheugh along the southern boundary between the site and the road.
143. A review of the Rivers Agency flood maps confirms that the application site is not located within a flood plain.
144. The submission of a drainage assessment is not required for this proposal.
145. It is therefore considered that the proposal would not cause any concerns with regards to flooding and it is considered that it complies with PPS 15.

Conclusions

146. For the reasons outlined in the report, the application is considered to be contrary to the SPPS 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.
147. In addition, the proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the efficient use of the agricultural holding;
 - the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.
148. The proposal is also contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
149. In addition, the proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permission create a ribbon of development.

Recommendations

150. It is recommended that planning permission is refused.

Refusal Reasons

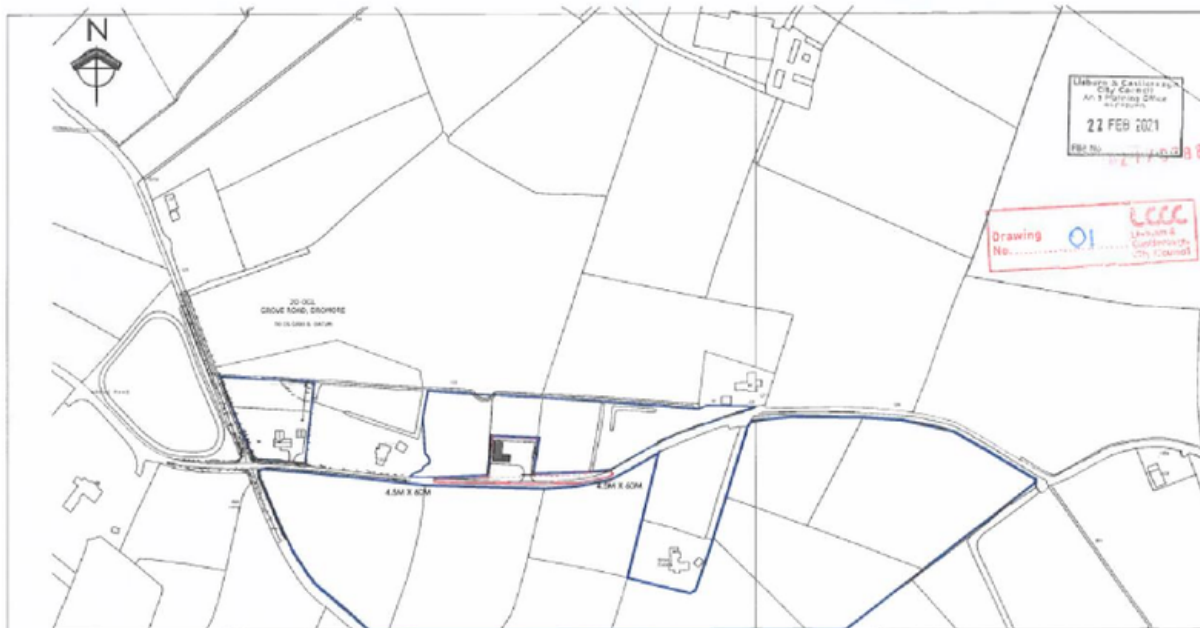
151. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to the SPPS and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the site identified lies out with an active and established agricultural holding;
 - it has not been demonstrated that the proposal is necessary to the

efficient use of the agricultural holding;

- the proposal is not sited beside existing farm buildings on the holding and no exceptional circumstances have been given.

- The proposal is contrary to the SPPS and policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grove Road.
- The proposal is contrary to the SPPS and policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

Site Location Plan – LA05/2021/0288/F

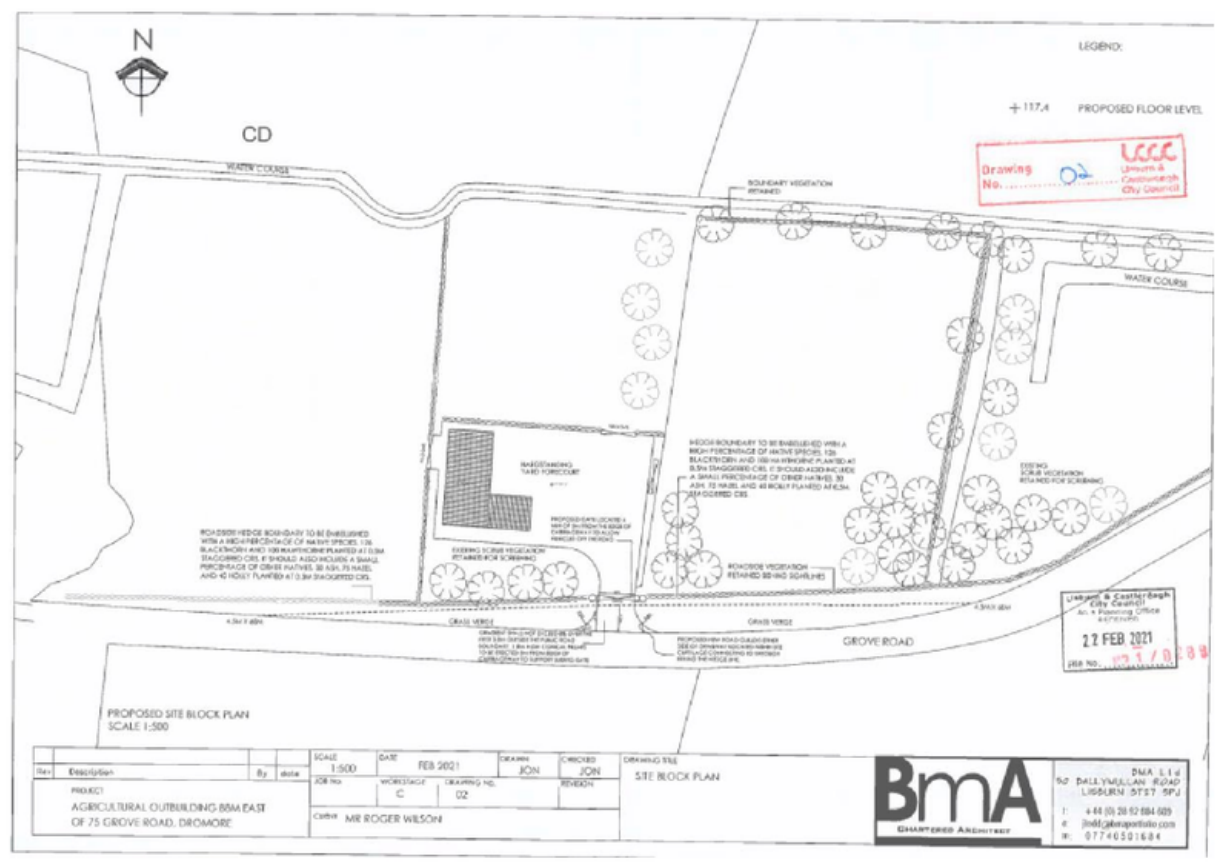


Rev	Description	By	Date	SCALE	DATE	DRAWN	CHECKED	DRAWING TITLE
				1:2500	FEB 2021	JON	JON	SITE LOCATION MAP
PROJECT				JOB No	WORKSHEET	DRAWING No	REVISION	
AGRICULTURAL OUTBUILDING B8M EAST OF 75 GROVE ROAD, DROMORE				C		01		
CLIENT				MR ROGER WELSON				

BmA
CHARTERED ARCHITECT

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Site Layout Plan – LA05/2021/0288/02





Planning Committee

04 July 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Statutory Performance Indicators – May 2022

Background and Key Issues:

Background

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning functions.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet summarising the monthly position for each indicator for the month of May 2022.

2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not Official Statistics and should not be publically quoted as such.
3. Members will note that the performance against the statutory target for local applications for May 2022 was 24.4 weeks. It was previously identified that there is a backlog of applications for single dwellings in the countryside. Following a refinement to the reporting templates for this type of application they are now being progressed and this is reflected in the performance for local applications.
4. It should be further noted that more decisions have been issued than received this month. The Planning Unit remains focused on improving performance in relation to local applications.
5. Performance in relation to major applications is 83.4 weeks. As explained previously, there has been no real opportunity to perform against the statutory target for major applications as a number of proposals brought forward in previous months are subject to Section 76 planning agreements.
6. Processing major applications remains a priority for the Planning Unit.

Recommendation:

It is recommended that the Committee notes the information.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 2 – Statutory Performance Indicators – May 2022

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Statutory targets monthly update - May 2022 (unvalidated management information)

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	83.4	0.0%	74	78	17.8	47.4%	23	27	15.1	88.9%
May	0	-	0.0	0.0%	64	68	24.4	33.8%	26	25	32.2	72.0%
June	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	0	1	83.4	0.0%	138	146	22.8	41.1%	49	52	22.9	80.8%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



Planning Committee

04 July 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: **Item 3 - Notification by telecommunication operator(s) of intention to utilise permitted development rights**

Background and Key Issues:

Background

1. The Council is notified by three different telecommunication operators of their intention to utilise permitted development rights at a total of three locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Key Issues

1. The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. A list of the recent notification(s) is provided.
2. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Council. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met.

Recommendation:

It is recommended that Members note the detail of the notifications specific to the site identified and that hard copies are available to view at the Council Offices at Lagan Valley Island.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. Screening not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 3 – Notifications from an Operator in respect of intention to utilise permitted development rights

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights July 2022 Planning Committee

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	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Fibrus networks Ltd	Fibrus	Church Road opposite no. 77, Moneyreagh	Installation of new cabinet	09/05/2022
2	Taylor Patterson	O2	Lough Hill, NI Water (Knockbracken) reservoir, Mealough Road, Carryduff	Installation of new telecommunications equipment	13/05/2022
3	Blue Clarity design services Ltd	Three	Hillsborough Sporting Gun Club, 17 Old Coach Road, Hillsborough	Installation of new telecommunications equipment	18/06/2022