

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2019/1411/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>25<sup>th</sup> January 2023</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Ald Mark Fielding</b>

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

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

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:



## **EXECUTIVE SUMMARY**

- Retrospective application for staff car parking and parking area for the servicing department with alterations to existing access
- The site is located within open countryside and outside any Settlement Development Limit as designated within the Northern Area Plan 2016.
- Car sales and extensions to them are considered under the Retailing section in the SPPS as previously set out at the appeal on the adjacent site.
- The redline of the application site has been amended during the processing of the application to reduce the area of car parking. However, it has not been demonstrated that the extension to parking for over 30 spaces would meet the town centre first approach as set out in the SPPS.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

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

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located within open countryside and outside any Settlement Development Limit as designated within the Northern Area Plan 2016. There are no designations on the site.
- 2.2 The application relates to a retrospective area of hardstanding to be used for car parking for staff and servicing of vehicles associated with an existing car sales business located to the west. The application site encompasses

## **3 RELEVANT HISTORY**

LA01/2019/1016/O - Approx 83m SW of 11 Haw Road, Bushmills - Proposed Outline for Dwelling & Garage (Relocation of Approval LA01/2018/1229/RM) – Permission Granted - 15.04.2020

LA01/2019/0039/F - Approx. 40m east of 204 Straid Road, Bushmills - Proposed commercial vehicle sales yard and office with alterations to existing access and creation of new access onto Haw Road – Permission Refused - 23.10.2019 – Appeal 2019/0219 – Dismissed - 02.12.2020

LA01/2018/1229/RM - 42m SE of 204 Straid Road, Bushmills - Proposed dwelling and garage (reserved matters for application E/2014/0071/O) – Permission Granted - 20.11.2018

LA01/2016/0198/F - 100m North West of 11 Haw Road, Bushmills - Proposed 6 No. Glamping Pods – Permission Refused - 26.05.2017

E/2015/0017/F - 92m West of 11 Haw Road, Bushmills - Proposed Agricultural Barn – Permission Granted - 12.10.2015

E/2014/0071/O - 106.5m East of 206 Straid Road, Bushmills, Co. Antrim, BT57 8XJ - Proposed Dwelling and Garage – Permission Granted - 13.10.2015

#### **4 THE APPLICATION**

- 4.1 Full planning permission is sought for retrospective permission for staff car parking and parking area for the servicing department with alterations to existing access

#### **5 PUBLICITY & CONSULTATIONS**

##### **5.1 External**

**No objections received.**

##### **5.2 Internal**

**Environmental Health Department:** No objection

**NI Water:** No objection

**DFI Roads:** No objection

**DAERA Natural Environment Division:** No objection

**DFI Rivers:** No objection.

**Health and Safety Executive NI:** No objection.

**Shared Environmental Services:** No objection.

## **6 MATERIAL CONSIDERATIONS**

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is the:  
Northern Area Plan 2016 (NAP)

The Regional Development Strategy (RDS) is a material consideration.

6.3 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.4 Due weight should be given to the relevant policies in the development plan.

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

## **7 RELEVANT POLICIES & GUIDANCE**

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

Planning Policy Statement 2: Natural Heritage

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relates to: the principle of development, integration / character, drainage, historic environment, natural environment, amenity and HRA and access.

### **Principle of Development**

- 8.2 The Northern Area Plan 2016 identifies the site as being located within the countryside as it outside any defined settlement limits.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.4 The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It is considered that the general planning principles with respect to this proposal have been complied with. A detailed assessment of the proposal in line with the provisions of the SPPS is outlined within the consideration below.

### **Northern Area Plan 2016**

- 8.5 The site is located within open countryside and outside any Settlement Development Limit as designated within the Northern Area Plan 2016. There are no designations on the site.
- 8.6 The application relates to a retrospective area of hardstanding to be used for car parking for staff and servicing of vehicles associated with an existing car sales business located to the west. The application site encompasses

- 8.7 As the Northern Area Plan is not an up to date plan with regards to retail policy, the regional policies contained within the SPPS are the primary policy consideration in this application. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.
- 8.8 Paragraph 6.273 of the SPPS outlines that Planning Authorities must adopt a town centre first approach for retail and main town centre uses. The application relates to the retention of a commercial vehicle sales yard and mobile sales office. The use 'for the sale or display for sale of motor vehicles' is outlined as a sui generis use under Section 3(4)(h) of The Planning (Use Classes) Order (NI) 2015. The site is located outside any Settlement Development Limit as defined within the Northern Area Plan 2016 and is considered as rural development.
- 8.9 Planning appeals 2019/A0219, 2011/A0021 and 2016/A0087 all establish vehicles sales as a retailing use. Appeal 2019/A0219 is associated with the premises for which this proposal relates and makes specific reference to the consideration of such uses under the Retailing and Town Centre policies of the SPPS.
- 8.10 In this instance, the proposal does not specifically relate to the use of the parking area for sales. However, the areas are for staff car parking and car parking for the servicing department which are ancillary elements of the overall car sales business i.e. car parking to serve elements of this business. The policy requirements of the SPPS and PPS 21 are considered to be applicable.
- 8.11 Policy CTY 1 of PPS 21 identifies certain non-residential development in the countryside where planning permission may be granted. It states that 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.
- 8.12 Paragraph 6.279 reiterates the town centre first approach to retailing, but continues to state that some retail facilities may be considered acceptable in the rural area as long as there is no unacceptable adverse impact on the vitality and viability of a town centre. The policy indicates that those retail facilities considered appropriate should be located within existing buildings. Appeal



2019/A0219 outlines that the use of the word 'should' implies that this requirement is recommended and not mandatory but is the policy preference.

- 8.13 In this case, there are no buildings proposed as a part of the proposal and the proposal relates solely to an additional hardstanding area for car parking with new planting on top of existing earth bunds.
- 8.14 There are parallels between this proposal and that proposed previously under LA01/2019/0039/F and associated appeal 2019/A0219 in that they both relate to expansions to this business on adjoining land with LA01/2019/0039/F located directly to the north.
- 8.15 A sequential test is outlined under paragraph 6.280 of the SPPS with paragraph 6.281 outlining the order of preference as primary retail core, town centre, edge of centre and out of centre locations.
- 8.16 Although this proposal relates to an extension to an existing commercial vehicles premises the nature of the use itself is not considered to be acceptable in the countryside. It is accepted that a commercial vehicle sales premises may not be suitable for a town centre location. However, the sequential test must be applied to the proposal.
- 8.17 Under 2019/A0219 it was outlined by the appellant that the existing premises is a 'destination' dealership which is not dependent on passing trade. It was outlined that clients were spread across NI which indicates the catchment for vehicle sales beyond Bushmills. It is considered that the catchment would include the towns of Coleraine and Ballymoney.
- 8.18 No commercial land and property checks have been submitted and a sequential test has not been provided by the agent for this particular application. Checks for the existing premises associated with this application were carried out under 2019/A0219 for three premises, two in Coleraine and one in Ballymoney. The commissioner found that these sites extended to at least 1.08ha and could accommodate both the appeal proposal and existing business. The size of the proposal is less than that of the appeal site and it is possible again that this proposal along with the existing premises could be accommodated on these sites.

- 8.19 There are development opportunity sites outlined within the Northern Area Plan 2016 for Coleraine and Ballymoney which have not been demonstrated as not suitable for the proposal. These sites not being on the market does not preclude these sites from assessment. The argument provided by the appellant was that the appeal could not operate in isolation from the ancillary services offered within the building located on the adjacent business complex. The listed services specified included pre-inspection delivery, servicing and aftercare and customer areas. This is the same as is the case for the current proposal which relates to car parking for staff and servicing.
- 8.20 As is the case for the previously proposed extension, there has been no need demonstrated for the proposal at this location and it has not been persuasive that the business could operate in entirety within a settlement, the ancillary services with parking requirement could not be carried out elsewhere and that a split site could not operate efficiently or that the location of the car parking/ancillary business elsewhere would stifle the existing business. The ownership of land adjoining an existing premises does not warrant an expansion which is contrary to policy. The proposal in this instance relates to car parking which is a more general than the display of vehicle for sales. There is a greater opportunity for the parking of vehicles off site than a dedicated sales area in the case of the appeal/extension proposed to the north.
- 8.21 It has not been demonstrated that there are no available sites to accommodate the proposal in nearby urban centres within its catchment through the application of a sequential test, that the proposal is an exceptional use in the countryside and that that it would not have an unacceptable adverse impact on the vitality and viability of existing towns in the catchment.
- 8.22 The proposal is contrary to the requirements of paragraphs 6.273, 6.279, 6.280 and 6.281 of the SPPS and Policy CTY 1 of PPS 21 in this respect.
- 8.23 Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

8.24 Policy CTY 1 of PPS 21 states that 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. The latter matters are discussed below.

8.25 This proposal does not include any buildings. Policy CTY 13 and 14 of PPS 21 do not apply to the proposal.

8.26 The location of the application site is directly adjoining the existing premises located to the west. There is planning history on the site for a dwelling under E/2014/0071/O and LA01/2018/1229/RM both of which are expired. Application LA01/2019/1016/O currently extant relates to the relocation of this dwelling to land to the south of the current application site. Planning permission was previously refused for a glamping site on the land to the north of the application site under LA01/2016/0198/F. The usage of the land to the north of the site for vehicle sales which included display of vehicles under LA01/2019/0039/F was refused in part due to impact in terms of integration and rural character. This reason for refusal was upheld under appeal 2019/A0219.

8.27 The application site is set back from both Straid Road and Haw Road which are the extent of viewpoints of the proposal. The views from Straid Road are in context of the planting on the field boundary adjoining Straid Road and located to the north of the site and through the junction at Haw Road from Straid Road. The hedges on this boundary would require to be strengthened to remove views in their entirety. The extent of views would be from travelling west past the site. Views from the east would be more limited given the turn in the road. The possible views would be at a distance and the planting interrupts the views reducing their intensity. Along the eastern boundary of the field to the north, the field is bounded by fencing with limited planting. Any views along Straid Road of the parking area would be for a small period of time and at a distance given the set back of the application site from Straid Road. Any views along Straid Road passing by the site are considered to be acceptable given their extent and nature.

8.28 Haw Road rises from north to south. The fields to the west of the road rise from west to east to meet Haw Road. There is an existing hedgerow located along the north boundary which adjoins a field to the north. The eastern boundary facing towards Haw Road is

indicated to have a new native species hedgerow planted on top of existing earth bunds. Passing by the application site from Haw Road in both directions, views are limited by the field boundary hedgerows. The extent of views from the site are travelling south past the field to the north of the application site looking southwest. The eastern boundary of the field to the north of the application site comprises a post and wire fence, access point and some planting. Upon site visit this northern field had mounds of earth piled up at the boundaries and within the field. This limited views of the site. However, these mounds do not form a part of this application. Disregarding these elements, the existing hedgerow on the north boundary would require strengthening to provide effective screening. This is not proposed. The application site is viewed in context of the existing commercial premises. However, the proposal is reliant on the earth bunds and new planting for integration. The earth bunds appear as unnatural features in the landscape given their size and nature. It is appreciated that planting these will reduce their visual impact though this will take some time to develop to soften the impact. The presence of the planning history for the dwelling on the site is acknowledged. The proposal is similar to that of LA01/2019/0039/F 2019/A0219 in that the nature of visual impact is from the cumulation of vehicles parked. In the case of the appeal for the adjoining field it was noted the similar circumstances where a dwelling was located on the site. The commissioner was not persuaded that it would be directly comparable in that instance as the appeal proposal would entail commercial vehicles parked across much of the site and consequently would have a greater visual prominence. Although viewed in context of the existing premises, the extent of car parking with the reduction in this proposal and the nature and extent of landscaping is not considered to be appropriate for this location. The proposal would not respect rural character and is considered to be contrary to the requirements of the SPPS and Policy CTY 1 in this respect.

## **Drainage**

8.29A Drainage Assessment and Schedule 6 consent was submitted for the proposal. DFI Rivers advised that the application site does not lie within the 1 in 100 fluvial floodplain. They advise that the working strip within Doc 02 satisfies the requirements of Policy FLD 2. They advise on the basis of the details provided within the Drainage Assessment that exceedance will only occur in the 1 in

100 year storm even which will affect the applicants land with no increased flood risk elsewhere as result of the development and they have no reason to disagree with the conclusions. Consequently DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. Policy FLD 3 is satisfied in this respect. They advise that the accuracy and acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

8.30 DFI Rivers advise that they acknowledge Schedule 6 consent for the existing access culvert and 2 footbridges has been obtained. Under FLD4, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for The Planning Authority.

8.31 The watercourse is located along the western edge of the area for parking and runs south to north separating the application site from the premises to the west. As the culverting relates to the provision of the access points to the proposal and land to the east there are no concerns in relation to the requirements of Policy FLD 4. Policy FLD 5 does not apply. The policy requirements of PPS 15 are considered to be satisfied.

### **Access**

8.32 The proposal seeks alterations to the existing vehicular access. DFI Roads were consulted on the proposal and have provided conditions and informatives in relation to the access arrangements proposed. There are no concerns in relation to the requirements of Policy AMP 2 of PPS 3 in this respect.

### **Historic Monuments**

8.33 Historic Environment Division: Historic Monuments were consulted and advised they have assessed the application and on the basis of the information provided are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. There are no concerns in relation to the requirements of PPS 6 in this respect.

## **Bushmills Distillery COMAH**

8.34 The Health and Safety Executive advised that the Old Bushmills Distillery COMAH site is within proximity to the site. However, based on the distance from the COMAH site and after consulting PADHI we would 'not advise against' this development. There are no concerns in this respect.

## **Natural Environment**

8.35 DAERA were consulted on the proposal. Water Management Unit advised: Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to the applicant referring and adhering to DAERA Standing Advice and obtaining and adhering to any relevant Statutory Permissions.

8.36 Natural Environment Division advised that there is no accompanying ecological information and to refer to their tools and guidance.

8.37 Shared Environmental Service advised that: Having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have had a likely significant effect on the selection features, conservation objectives or status of any European site.

8.38 The site is not located within proximity to any designated sites. There is a small watercourse located along the western boundary of the site and a wooded area located over 30 metres to the east/northeast of the site/east side of Haw Road. The proposal is retrospective and relates primarily to hardstanding with earth bunds indicated as existing on the plans. To the west of the watercourse is a road from which the river is accessible which serves the existing car showroom and servicing areas. The response from Water Management Unit outlines pollution from vehicles and the requirement for this to be managed given the proximity to the watercourse. Any biodiversity associated with the wooded area to the east/northeast will not be impacted given the retrospective nature and the proposal relating to groundworks. Given the existing site conditions and that the watercourse is already culverted to facilitate access to the site, there are no concerns in relation to PPS 2.

## **Amenity**

8.39 The response from Environmental Health indicates the site is situated approximately 110m from existing dwellings at 11-15 Haw Road and that they understand that the car park has been constructed and is in use. Their response refers to two applications under consideration: LA01/2019/0061/O and LA01/2019/1016/O both relating to the relocation of dwellings. Since the receipt of this consultation, the former application has been refused permission and the latter approved permission. Comments are made in relation to a shed under LA01/2015/0017, its location on site, its restriction under condition for agricultural and the future intentions that it may be used for servicing vehicles being stored on the application site. This shed is no longer within the application site due to revisions to the application. An informative has been provided in relation to light and Environmental Health advise they have not received any nuisance complaints from existing receptors and have no further objections. There are no amenity concerns in this respect.

## **Habitats Directive**

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

## **9 CONCLUSION**

9.1 The proposal relates to the retention of a commercial vehicle sales yard and mobile sales office. It has not been demonstrated through a detailed assessment that there are no town centre or other sequentially preferable sites within which to locate the business and that it would not harm the viability and viability of towns within the business catchment. There have been no exceptional reasons outlined or need demonstrated for the location of this business in this rural location. The proposal is considered to impact on rural character. The proposal is contrary to Paragraphs 6.273, 6.279,

6.280 and 6.281 of the SPPS and Policy CTY 1 of PPS 21.  
Refusal is recommended.

## 10 **Refusal reason**

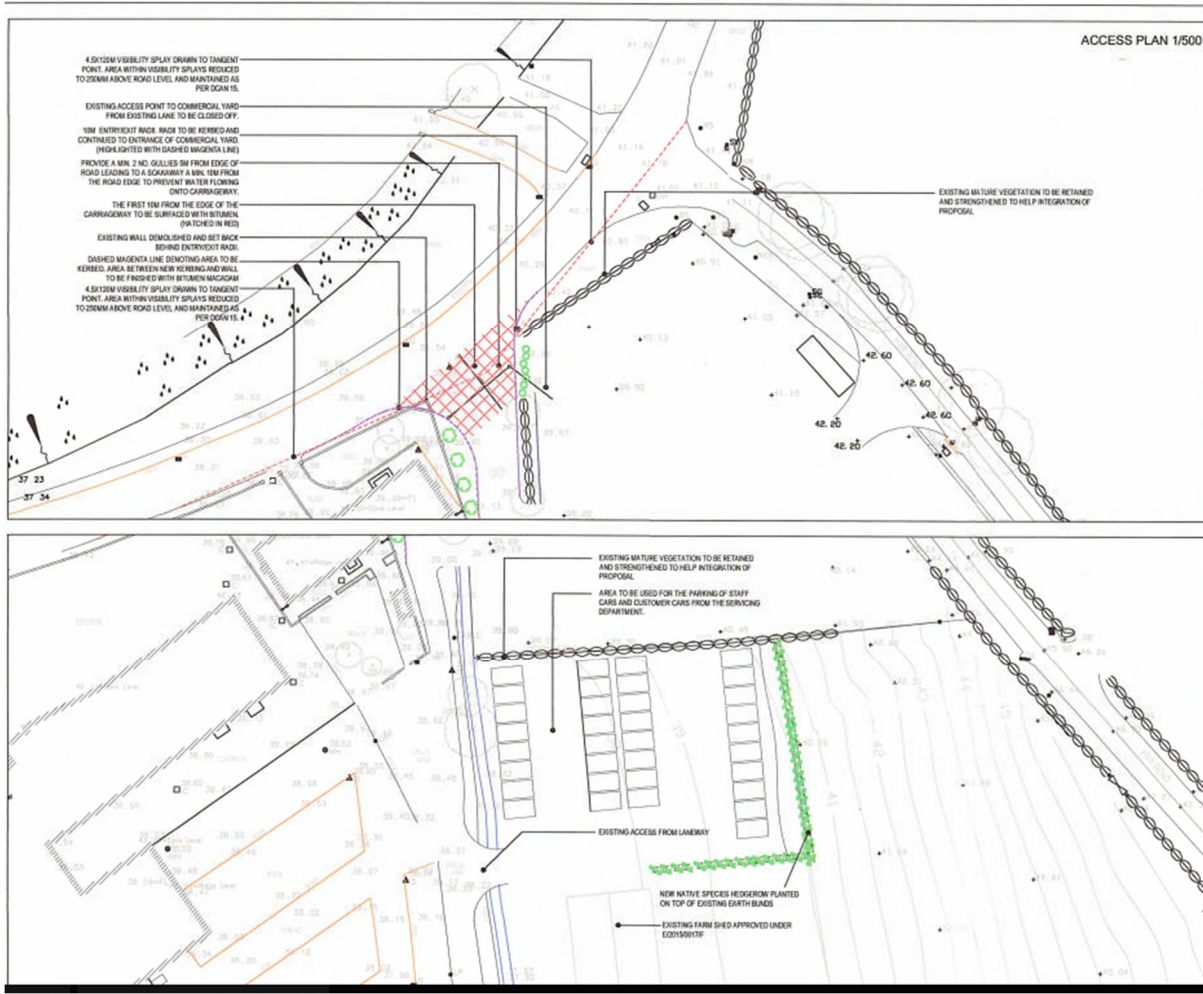
1. The proposal is contrary to Paragraphs 6.273, 6.279, 6.280 and 6.281 of the SPPS in that the proposal relates to a retail use and it has not been demonstrated through the submission of a sequential test that there are no suitable town centre or other sequentially preferably sites available within the catchment.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland 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.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland in that it does not respect rural character.



# Site Location Plan



# Access and block plan



**From:** Mark Fielding <>  
**Sent:** 20 May 2022 12:05  
**To:** Planning <[Planning@causewaycoastandglens.gov.uk](mailto:Planning@causewaycoastandglens.gov.uk)>; Denise Dickson <>; Joan Baird <k>  
**Subject:** LA01/2019/1411/F - 60M South East of 204 Straid Road Bushmills

**LA01/2019/1411/F – 60M South East of 204 Straid Road Bushmills  
Retrospective application for staff car parking and parking area for the serving department with alterations to existing access.**

I wish to refer the above application to the Planning Committee for the following reasons :

This application is looking to sustain the existing growing business and well established one in Bushmills relating to the provision of parking for servicing vehicles and staff members at this location of an existing business. While it may be viewed as retail the nature and size of the car business is not similar to a retail shop in a village or town. The applicant is willing to provide a sequential test on the need for the development.

The Regional Development Strategy 2035 and other publications from Government Bodies seek to support businesses in their growth, and the Council's Planning Department have previously stated they were looking at strategies for the support of economic growth.

The serving parking and staff parking cannot be located at a different premises as it would be impossible to use. The business uses strict contracts with the vehicle manufacturers which prohibit dealerships from being within a certain distance of another dealership and if the proposal was to move Coleraine it would breach current contracts due to its proximity to dealerships in Londonderry. Similarly if the whole dealership was to move to Ballymoney a similar clause would apply and there are no lands I understand available in Ballymoney to facilitate this.

Yours,

Mark  
Alderman M Fielding