

Title of Report:	Planning Committee Report – LA01/2024/0895/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th March 2025
For Decision or For Information	For Decision - Referred Application by Alderman Mark Fielding

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

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

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

No: LA01/2024/0895/O **Ward:** Atlantic

App Type: Outline

Address: Site 10m East of 5 Ballygelagh Village, Portstewart (access of Ballyreagh road)

Proposal: Proposed site for new dwelling

Con Area: N/A **Valid Date:** 08.08.2024

Listed Building Grade: N/A

Agent: Williams Creative Design

Applicant: Henry Lynch

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

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

EXECUTIVE SUMMARY

- Outline planning permission is sought for new dwelling under Planning Policy Statement 21: Sustainable Development in the Countryside.
- The site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.
- The proposal is not located at an existing cluster as the existing group of buildings are not associated with a focal point or located at a crossroads and development at this location would adversely impact on residential amenity. The proposal is therefore contrary to Policy CTY 2a.
- The proposal if developed would adversely affect the environmental quality of the area by reason of the loss of existing open space and is therefore contrary to Policy OS1 of Planning Policy Statement 8.
- DFI Roads, Environmental Health and NI Water were consulted in relation to the application. NI Water recommended refusal for the application.
- No representations have been received.
- The application is recommended for refusal.

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

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 application site is located approximately 10m East of 5 Ballygelagh Village, Portstewart. The site comprises a triangular shaped plot of land which appears as vacant space within an existing residential development.
- 2.2 The site is flat in topography, accessed via a small gate to the south-east. The site is bound to the south by a low level timber fence and to the west and north-east by a small white rendered wall. Neighbouring dwellings surround the site.
- 2.3 The application site is located outside of any settlement development limits as identified in The Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.

3 RELEVANT HISTORY

- 3.1 Proposal: Conversion of existing bungalow to 2 no holiday cottages and erection of 5 no holiday cottages (1-1.5 storey)
Application Number: C/1993/0503
Decision: Permission Granted
Decision Date: 10 January 1993

- 3.2 Proposal: Conversion of bungalow to 2 holiday dwellings and erection of 5 no holiday dwellings (1 ½ and 2 storey) (Amended Scheme)
Application Number: C/1996/0485
Decision: Permission Granted
Decision Date: 03 October 1996
- 3.3 Proposal: Erection of 4 no. holiday units
Application Number: C/2002/0042/F
Decision: Permission Refused
Decision Date: 23 May 2002
- 3.4 Proposal: Proposed infill holiday let
Application Number: C/2013/0397/O
Decision: Application withdrawn
- 3.5 Proposal: Variation of condition No. 1 of planning approval C/1996/0485 (holiday units) to exempt 3 Ballygelagh Village, Portstewart from being used for holiday accommodation only.
Application Number: LA01/2016/1158/F
Decision: Appeal Upheld
Decision Date: 25 January 2017
- 3.6 Proposal: Proposed Single Storey Infill Dwelling with Attic Conversion.
Application Number: LA01/2012/0034/F
Decision: Refused
Decision Date: 28 February 2013

4 THE APPLICATION

- 4.1 This is an outline application for a site for a new dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Four neighbours were notified. No letters of representation have been received.

5.2 Internal

NI Water: Refusal

DFI Roads: No objection

Environmental Health: 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)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

- 7.1 The application has been assessed against the following planning policy and guidance:
- Regional Development Strategy (RDS) 2035.
 - Northern Area Plan (NAP) 2016
 - Strategic Planning Policy Statement (SPPS) 2015
 - PPS 3: Access, Movement and Parking.
 - PPS 8: Open Space
 - PPS 21: Sustainable Development in the Countryside.

7.2 Supplementary Planning Guidance

- Building on Tradition: A Sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development and character of the rural area.

Access

- 8.2 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 states: 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.

- 8.3 DFI Roads were consulted in relation to the proposal and offered no objection. The application as proposed is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location.

PPS21: Sustainable development in the Countryside

- 8.4 Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Principle of Development

- 8.5 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.6 Policy CTY1 of PPS21 sets out 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. 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.

Policy CTY 2A: New Dwellings in Existing Clusters

8.7 Policy CTY 2a advises that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

8.8 The grouping of development consists of a residential development comprising of approximately 28 dwellings and associated outbuildings. The grouping of houses appears as a visual entity in the landscape when travelling in both directions along Ballyreagh Road.

8.9 The group however is not associated with a focal point such as a social/community building/facility and is not located at a crossroads, therefore, it does not comply with the third criterion.

8.10 The site comprises a triangular shaped plot of land bound to the north by 4 Ballygelagh Village and to the west by 5 Ballygelagh Village.

- 8.11 The nature of the residential development is somewhat open, with an informal layout and minimal established boundaries in place. There are buildings to either side of the site, which offer a suitable degree of enclosure to the site.
- 8.12 As such, development of the site could be absorbed into the existing group without significantly altering its existing character or intruding into the open countryside.
- 8.13 However, the density of the development and in particular the close relationship of the site to the adjacent no. 4 and 5 gives cause for concern. Development at this location would have an adverse impact on residential amenity, particularly Nos 4 and 5 Ballygelagh Village, resulting in loss of privacy and overshadowing of these properties.

Policy CTY13: Integration and Design of Buildings in the Countryside

- 8.14 Policy CTY 13 advises 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.

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.
- 8.15 A dwelling of an appropriate size and scale at this location would not be considered a prominent feature in the landscape given its siting amongst a group of existing dwellings.

- 8.16 The site lacks natural boundaries however, this is typical of this particular location and would not be considered out of character. Typical boundary treatments in Ballygelagh Village consists of low-level walls or timber fences, not exceeding 1m in height.
- 8.17 As this is an outline application, the design of the dwelling is currently unknown. If approved, this would be given greater consideration at the Reserved Matters stage.

Policy CTY14: Rural Character

- 8.18 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

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.
- 8.19 As assessed under Policy CTY 13, a new dwelling of an appropriate size and scale would not be considered a prominent feature at this location. The site cannot be viewed when travelling in either direction on Ballyreagh Road due to its siting within an existing development.
- 8.20 On balance, the proposal is compliant with Policy CTY 13 and CTY 14.

PPS 8: Open Space - Policy OS1: Protection of Open Space

- 8.21 The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

- 8.22 Annex 1, paragraph A1 states that open space is taken to mean all open space of public value.
- 8.23 The application site presents itself as amenity green space which provides visual relief between the surrounding properties. To develop the site would result in loss of important existing open space and therefore the proposal is contrary to Policy OS1.

Habitats Regulation Assessment

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

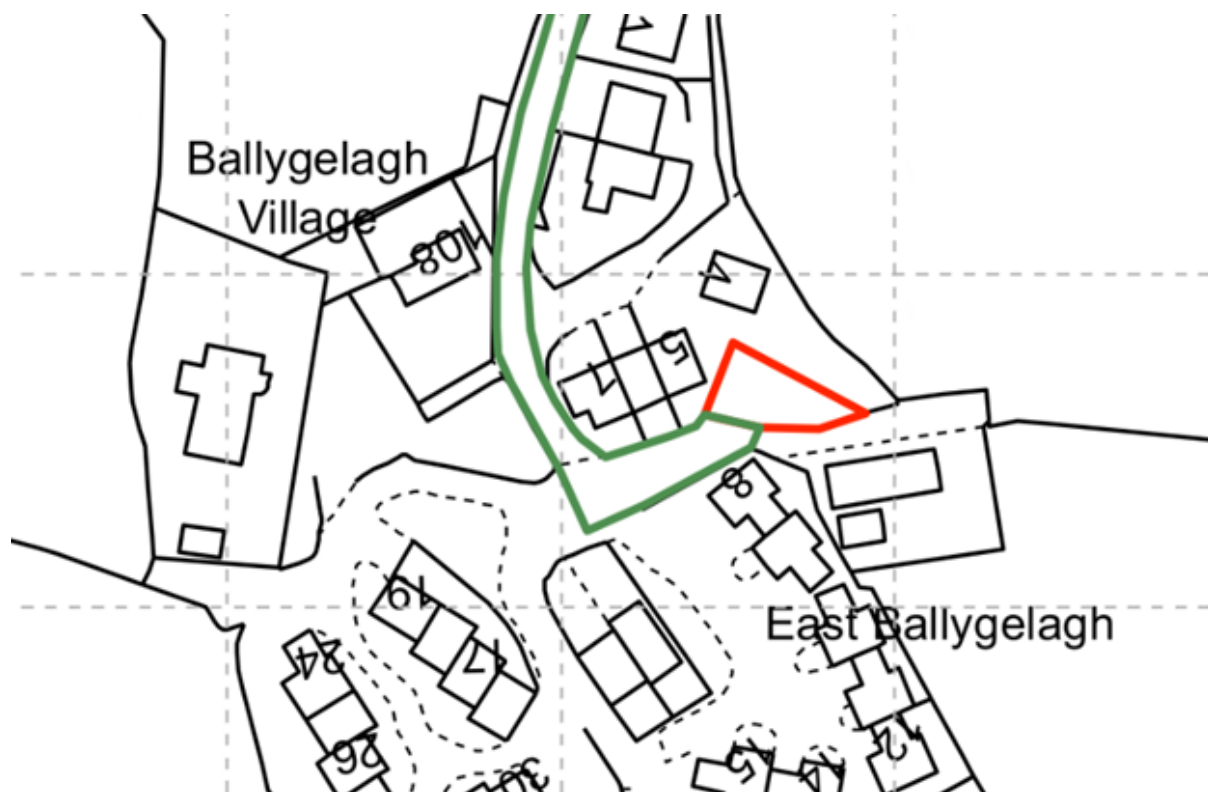
9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS.
- 9.2 The proposal does not meet the principle policy requirements under CTY1 for development in the countryside with no overriding reasons why that development is essential and could not be located in a settlement.
- 9.3 The proposal does not meet Policy CTY 1 or CTY2a of PPS 21 in that the site is not located at an existing cluster as the existing group of buildings are not associated with a focal point or located at a crossroads and development at this location and would adversely impact residential amenity.
- 9.4 The proposal does not meet Policy OS 1 of PPS 8 in that the development would, if permitted, adversely affect the environmental quality of the area by reason of the loss of existing open space.

10. Refusal Reasons

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside in that there are no overriding reasons why the development is essential and could not be located within a settlement; and
2. The proposal is contrary to Paragraphs 4.12 and 6.73 of the SPPS and Policy CTY 2a of PPS 21: Sustainable Development in the Countryside in that the site is not located at an existing cluster as the existing group of buildings are not associated with a focal point or located at a crossroads and development at this location and would adversely impact residential amenity; and
3. The proposal is contrary to Paragraphs 6.205 of the SPPS Policy OS1 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation in that the development would, if permitted, adversely affect the environmental quality of the area by reason of the loss of existing open space.

Site Location



Laura Crawford

From: Laura Crawford on behalf of Planning
Sent: 06 January 2025 15:37
To: 'Mark Fielding'
Subject: RE: LA01/2024/0895/O

Alderman Fielding

I can confirm that in accordance with Para.7.4 of the Protocol for the Operation of the Planning Committee, the Head of Planning has now discussed your referral request with the Chair of the Planning Committee and can confirm that your request and planning reasons provided are considered acceptable. Planning application LA01/2024/0895/O will be referred to the Planning Committee for determination.

Regards, Laura

Laura Crawford

Business Support Officer
Tel. 02870347100

Laura.crawford@causewaycoastandglens.gov.uk



www.causewaycoastandglens.gov.uk

From: Mark Fielding <Mark.Fielding@causewaycoastandglens.gov.uk>
Sent: 23 December 2024 09:42
To: Planning <Planning@causewaycoastandglens.gov.uk>; Sandra Hunter <Sandra.Hunter@causewaycoastandglens.gov.uk>; Denise Dickson <Denise.Dickson@causewaycoastandglens.gov.uk>
Subject: LA01/2024/0895/O

I wish to refer Planning Application LA01/2024/0895/O to the Planning Committee.

Proposed new dwelling at site 10m East of 5 Ballygelagh Village, Portstewart (access of Ballyreagh Road)

See attached reasons.

Yours,

Mark

Alderman Mark Fielding



Annex 1

**Template for Requesting Referral of a Contentious Delegated
Decision to Issue' List Planning Application to Planning
Committee for Determination**

The Protocol for the Operation of the Planning Committee provides for an Elected Member to request a planning application listed on the weekly list of 'contentious delegated decisions ready' to be referred to Planning Committee for determination. This request must be received by the Planning Department no later than 10am on the Monday following the issuing of the contentious list and submitted via email to planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01/2024/0895/O
Elected Member Name	Mark Fielding
Contact Details	Tel: 07971059829 Email: mark.fielding@causewaycoastandglens.gov.uk

The Site 10m East of Ballygelagh Village Portstewart is the only vacant site within the boundary of an established village with the site having views between buildings to the sea to the north west and over fields to the east.

The Committee should consider the reasons for referral under Policy CTY2a. Planning permission will be granted for a dwelling at an existing cluster of development if the cluster of the development lies outside of a farm and consists of four or more buildings which this site does. The cluster also appears as a visual entity in the local landscape. The cluster must have a focal point. There is clear junction of the road in the middle of the Village that this site is associated with.

The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside. The development of the site would not adversely impact on residential amenity.

The applicant wants the building to sit in the landscape with its boundaries defined with small dashed wall in keeping with the setting to blend the new house into its environment. The house will have a traditional look using materials to compliment the painted and smooth dash of the surrounding buildings using the roof tile to match.

The application maintains the same access arrangements.

Ald. Mark Fielding

Addendum

LA01/2024/0895/O

1.0 Update

- 1.1 2 objections have been received on the application on the 08/04/25.
- 1.2 The following concerns are raised in these objections;
- Contrary to planning policy within the Countryside.
 - Loss of green/open space.
 - Loss of amenity/overlooking to existing adjacent properties.
 - Precedent for future development.
- 1.3 In response to these objections, it is noted the application has been recommended for refusal. Particular reference is made to para 8.21 – 8.23 of the planning committee report which discusses loss of open space and para 8.13 which discusses impact on residential amenity.

2.0 Recommendation

- 2.1 It is recommended that the Committee note the contents of this Addendum and agree to refuse planning permission as per the recommendation provided at Paragraph 9.1 – 9.4 in the Planning Committee Report.