



Planning Committee Report LA01/2018/0334/O	23rd October 2019
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/A

<u>No:</u> LA01/2018/0334/O	<u>Ward:</u> Magilligan
<u>App Type:</u> Outline Planning	
<u>Address:</u> To rear of 668 Seacoast Road, Benone	
<u>Proposal:</u> Proposed erection of No. 3 Self Catering Cottages to rear of 668 Seacoast Road, Limavady	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 15.03.2018
<u>Listed Building Grade:</u> N/A	
Agent: C.McIlvar Ltd	
Applicant: Mr Gerard Gaile	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The proposal fails to meet with the principle for self catering units in the Countryside.
- In addition it would cause harm to neighbouring amenity, rural character and the Binevenagh AONB.
- The proposal is contrary to Policies CTY1 and CTY 14 of PPS 21, Policy TSM 5 of PPS 16 and Policy NH6 of PPS 2 and paragraphs 6.70, 6.73 and 6.187 of the SPPS.

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 Recommendation

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is a rectangular plot of land that has a site area of 0.11 hectares and is located along the Seacoast Road. The character of the surrounding area is defined by the Binevenagh Mountain which forms the backdrop to the landscape. There is an existing commercial garage / car bodywork repair unit on the neighbouring site to the south at No. 666 Seacoast Road. The other neighbouring property at No 670 is a detached dwelling and garden area with a chicken coup at the rear of the site. There is an agricultural field to the rear / west of the site. The site is accessed through the existing access for the semi-detached dwelling at No.668 Seacoast Road which is within a row of detached and semi-detached dwellings. The site comprises a portion of the existing rear garden of the dwelling at 668 Seacoast Road. There is a timber board fence approx. 2m high along the south-western boundary. The north-eastern boundary is defined by part timber board fence and a timber post and wire fence. A metal palisade fence approx. 2.4m high runs along the rear, north-western boundary. The south-eastern boundary of the site is currently undefined. An existing low stone wall runs along the front boundary of the property at 668 Seacoast Road adjacent the footpath. There are no watercourses in the vicinity of the site. The topography of the site is flat.
- 2.2 The site is located in an area designated as the Binevenagh Area of Outstanding Natural Beauty in a rural area outside any settlement limit as shown in the Northern Area Plan 2016. It is 724 metres from Magilligan SAC which is to the north west of the site. A portion of the site is located in a surface flood zone.

3 RELEVANT HISTORY

LA01/2017/0323/O – 668 Seacoast Road Benone - 3 No. self catering cottages to the rear of 668 Seacoast Road, Benone – Application Withdrawn – 2nd February 2018

B/2008/0320/F - Between 668 & 670 Seacoast Road, Benone, Limavady - Enlargement of approved site and the relocation of the approved dwelling & garage from between Nos. 668 & 670 to some 50 metres behind No. 668. Application Withdrawn - 12th June 2009.

B/2005/0098/F - Between 668/670 Seacoast Road, Benone, Limavady - Erection of traditional chalet style dwelling with detached domestic garage/store - Permission Granted – 5th December 2005.

A base for a garage has been put in place but it doesn't correspond to the position of the approved garage in the planning permission B/2005/0098/F. On this basis this planning permission has not commenced lawfully and has now expired.

4 THE APPLICATION

- 4.1 This application seeks permission for “Proposed erection of 3 no. self catering cottages.”

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation where notified on 28th March 2018. The application was advertised on 4th April 2018.

Internal

- 5.2 Environmental Health: Has raised no objection to the proposal.

Northern Ireland Water: Has raised no objection to the proposal.

DFI Roads: Has raised no objection to the proposal.

Shared Environmental Services: Has raised no objection to the proposal. Email states formal consultation not required.

DAERA – Drainage and Water: Has raised no objection to the proposal.

DFI Rivers – Has raised no object to the proposal.

Tourism NI – Has raised no objections to the proposal.

Causeway Coast and Glens Borough Council Tourism Section – Tourism Statistics Bulletin Provided.

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 development 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:
 - Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 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 16 (PPS 16) Tourism

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the principle of development, Natural Heritage, Access, Planning and Flood Risk, Wastewater disposal, Tourism, Integration, Rural Character and Habitat Regulations Assessment.

Planning Policy

- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance.

Northern Area Plan 2016

- 8.3 The site is located in an area designated as the Binevenagh Area of Outstanding Natural Beauty in a rural area outside any settlement limit as shown in the Northern Area Plan 2016. It is 724 metres from Magilligan SAC which is to the north west of the site. A portion of the site is located in a surface flood zone.

Principle of Development

- 8.4 Policy CTY 1 of PPS 21 applies and sets out the 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.
- 8.5 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.

Tourism

- 8.6 As the proposal is for three self-catering cottages Policy TSM 5 of PPS 16 is considered. The policy states that planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:
- (a) one or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
 - (b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
 - (c) the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.
- In either circumstance (a) or (b) above, self-catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.
- 8.7 As the proposal is an outline application for three new units, and there is no existing tourism use of the site category (a) is not applicable. As the proposal is for new build and does not involve the restoration of an existing clachan or close category (c) is not applicable. The proposal falls to be considered under category (b)

as per the case outlined by the agent in the design and access statement which is assessed in detail below. The application site comprises an existing semi-detached dwelling and domestic curtilage. Paragraph 7.25 of the justification and amplification states that where units are proposed in association with a tourist amenity, the policy requires that the tourist amenity must be a significant visitor attraction in its own right. There are no existing or approved tourist amenities that are or will be significant visitor attractions in their own right at or close to the application site.

- 8.8 Appendix 1 of PPS 16 contains a glossary of terms. The following definitions are of relevance to this application:
- Tourism Asset: Any feature associated with the built or natural environment which is of intrinsic interest to tourists.
 - Tourist Amenity: An amenity, facility or service provided primarily for tourists, but does not include tourist accommodation.
 - Tourist Accommodation: Overnight sleeping accommodation for tourists provided by way of trade or business.
- 8.9 Deighan's Caravan Park, which is situated 27 metres to the North of the site, is not considered a tourist amenity because it provides tourist accommodation as per the above definitions. In the Design and Access statement submitted alongside the application, the agent refers to the Binevenagh AONB landscape, Limavady Sculpture Trail and Manannan Mac Lir. This landscape, walks and monument would be tourist assets and not a significant tourist amenity. Ballymaclary Tea House and Wedding Barn is located 375 metres to the south west, it provides Bed and Breakfast accommodation so is not a tourist amenity as per the guidelines above. Golden Sands Caravan Park is not considered a tourist amenity because it provides tourist accommodation as per the above definitions.
- 8.10 The agent contends that Benone Beach qualifies as a tourist amenity that is a significant tourist attraction in its own right. As defined above an asset is any feature associated with the built or natural environment which is of intrinsic interest to tourists. While Benone beach attracts tourists and is of interest to them, it is a feature associated with the natural environment and therefore for the purposes of this policy is considered an asset and not a tourist amenity as per the definitions outlined above.

- 8.11 The agent also considers that the Benone visitor centre is a tourist amenity which is a significant attraction in its own right. The visitor centre would meet the definition of an amenity but would not be considered a significant attraction in its own right. It is associated with the accommodation at the caravan parks and Benone Strand Beach. It is the beach, as an asset, which is the attraction. The visitor centre is not a significant attraction in its own right.
- 8.12 For the purposes of the policy, it is the definitions contained in Appendix 1 of PPS 15 which must be considered. As the proposal is not close to an existing or approved tourist amenity that is or will be a significant visitor attraction in its own right the proposal fails to comply with Policy TSM 5.
- 8.13 As the proposal does not comply with Policy TSM 5 and is located within the countryside it is assessed against Policy CTY 1. The proposal does not meet any of the exceptions identified in Policy CTY 1 and as there are no overriding reasons as to why development is essential in this location and could not be located in a settlement the proposal also fails to comply with Policy CTY 1 of PPS 21.

Design

- 8.14 A proposal for a tourism use is also subject to the design criteria contained within Policy TSM 7 of PPS 16. The criteria states;
- (a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- 8.15
- (b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
 - (c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
 - (d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
 - (e) is designed to deter crime and promote personal safety;

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

8.16 As this is an outline application the design and detail of any proposal would be considered as part of any reserved matters application.

8.17 In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

(h) it does not harm the amenities of nearby residents;

(i) it does not adversely affect features of the natural or built heritage;

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

(k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;

8.18 While meeting the other criteria, the proposal fails to comply with criteria g, h and i. The proposal would be incompatible with surrounding land uses given the proximity of the site to the neighbouring commercial premises at No. 666 Seacoast Road and residential properties at No. 668 and No. 670 Seacoast Road. Critical views of the site are from between the Angler's Rest at No. 660 and the site frontage, on the Seacoast Road travelling in a northerly direction towards Coleraine. The addition of built form to

the rear of the existing dwelling at No. 668, in what is effectively the rear garden, would detract from the landscape quality of the Binevenagh AONB and the character of this rural area.

8.19 The proposal would have a detrimental impact on the residential amenity of neighbouring properties at No. 668 and No. 670 Seacoast Road. If permitted it would result in a loss of privacy for these dwellings and create an unacceptable and unfavourable form of development which would also have an adverse impact on the Binevenagh AONB. The proposal fails to comply with Policy TSM 7.

8.20 **Integration**

8.21 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting, respect rural character, and be appropriately designed.

8.22 Policy CTY 13 states that 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. As this is an outline application the design and detail of any proposal would be considered as part of any reserved matters application. On the basis that appropriate buildings could integrate on the site the proposal complies with Policy CTY 13.

Rural Character

8.23 CTY 14 of PPS 21 applies and states that 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
The proposal is not unduly prominent in the landscape as demonstrated above under CTY 13 consideration.

8.24 (b) it results in a suburban style build-up of development when viewed with existing and approved buildings;
The proposal would consist of 3 buildings which would accumulatively add to the 8 near-by buildings to result in a suburban style build-up of development when viewed with existing and approved buildings

- 8.25 (c) it does not respect the traditional pattern of settlement exhibited in that area;
The proposed site is in the rear garden of a semi-detached dwelling and the prevailing character of the area is of road side dwellings. The proposed plot size of 0.11 is lower than those in the area of at least twice that size. The proposal would fail to respect the traditional pattern of development exhibited in the area by reason of the development appearing hemmed.
- 8.26 (d) it creates or adds to a ribbon of development;
The location of the proposal with the surrounding properties means it would not add to or creates ribbon development.
- 8.27 (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. The existing access is proposed to be used so the impact of ancillary works will not damage rural character.
- 8.28 The proposal fails to comply with criteria 'b' and 'c' so is contrary to Policy CTY 14 and paragraph 6.70 of the SPPS.

Natural Heritage

- 8.29 Planning policy statement 2, Policy NH6 – Areas of Outstanding Natural Beauty and Paragraph 6.187 of the Strategic Planning Policy Statement applies and states; Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:
- 8.30 a) the siting and scale of the proposal is sympathetic to the special character of the Outstanding Natural Beauty in general and in particular locality;
The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings and would fail to respect the traditional pattern of development exhibited in the area, this would result in a detrimental change to the rural character of the countryside.
The proposal fails to comply with criteria 'a'.
- 8.31 b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

The addition of built form to the rear of the existing dwelling at No. 668, in what is effectively the rear garden, would detract from the landscape quality of the Binevenagh AONB and the character of this rural area. The development fails to respect the traditional pattern of development in the area. The proposal fails to comply with criteria 'b'.

8.32 c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour

As the proposal is an outline application for three new units and there is no detail of the design then criteria (c) is not applicable.

8.33 The proposal fails to meet criteria 'a' and 'b' therefore it fails to comply with Policy NH6 – Areas of Outstanding Natural Beauty and Paragraph 6.187 of the Strategic Planning Policy Statement.

Access

8.34 Policy AMP 2 of PPS 3 Access, Movement and Parking applies, and 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.

8.35 DFI Roads have been consulted and on 10th April 2018 they confirmed they had no objection to the proposal. The applicant has been able to show that the proposal will not prejudice road safety or inconvenience the flow of traffic. The Seacoast Road is not a protected route. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

Wastewater disposal

8.36 Policy CTY 16 – Development Relying on non-mains sewerage applies and states 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. 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.

- 8.37 The applicant proposes to discharge foul sewerage to a septic tank. Environmental Health and DAERA – Drainage and Water have been consulted and have no objection subject to any decision having standard conditions and informatives included. The proposal complies with Policy CTY 16.

Planning and Flood Risk

- 8.38 Policy FLD 3 of PPS 15 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains applies and states;
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.
- 8.39 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.
- 8.40 Historical flood maps indicate the site is not within an area of historical flooding. DFI Rivers have stated that a Drainage Assessment is not required and 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. DFI Rivers have added informatives to be added to any decision. As DFI Rivers have no objection, the proposal complies with policy FLD 3.

Habitats Regulation Assessment

8.41 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 at this location having regard to the Northern Area Plan and other material considerations. The proposal fails to meet with the principle for self-catering units in the Countryside. In addition it would cause harm to neighbouring amenity, rural character and the Binevenagh AONB. Consultee responses have been considered. As the proposal is unacceptable, refusal is recommended.

10 REASONS FOR REFUSAL

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy 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.

2. The proposal is contrary to Policy TSM 5 of Planning Policy Statement 16 - Tourism in that the new units would not be located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park; would not be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right; or would not involve the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings.

3. The proposal is contrary to Policy TSM 7 of Planning Policy Statement 16 - Tourism in that it is incompatible with surrounding land uses and the built form would detract from the landscape quality and character of the surrounding area; and would harm the amenities of near-by residents.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings; would fail to respect the traditional pattern of settlement exhibited in the area, and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

Site Location Plan



