

Planning Committee Report LA01/2017/0791/F	27th February 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>	LA01/2017/0791/F	<u>Ward:</u>	TORR HEAD and RATHLIN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Approximately 80m South and South West of no. 150 Torr Road, Cushendun.		
<u>Proposal:</u>	Proposed redevelopment of farm yard and buildings including replacement, renovation and amendments to existing buildings and enclosing existing external storage areas		
<u>Con Area:</u>	No	<u>Valid Date:</u>	12.06.2017
<u>Listed Building Grade:</u>	N/a		
Agent:	TC Town Planning, 84 Ashgrove Park, Magherafelt.		
Applicant:	Mr Liam Hamilton, 150 Torr Road, Cushendun.		
Objections: 0	Petitions of Objection:	0	
Support: 0	Petitions of Support:	0	

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 subject to the refusal reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

This planning application relates to 150 Torr Road, Cushendun. The site occupies two road side parcels of land directly opposite each other and contain several agricultural sheds and hardstanding yard areas. The upper part of the site to the West is elevated above the level of the road by approximately 7m and is cut into the surrounding landscape which continues to rise in elevation. Access is via an existing concrete laneway, and all boundaries are existing established fencing and native hedging. The topography of the lower part of the site falls gradually from road level by approximately 2m. The roadside boundary is undefined and open plan, with the remaining boundaries defined by fencing and mature vegetation.

- 2.1 The site is located approximately 2.5km North of Cushendun. The surrounding area is rural in character comprising of agricultural land and buildings
- 2.2 The site is located within the rural remainder as designated in NAP 2016.

3 RELEVANT HISTORY

There is no relevant planning history for the site.

4 THE APPLICATION

- 4.1 Full planning permission is sought to redevelop the farm yard and buildings, including the replacement, and renovation of existing buildings, and enclosing existing external storage areas.

5 PUBLICITY & CONSULTATIONS

5.1 External

None

5.2 Internal

Environmental Health Department: No objections.

NI Water: No objections

DFI Roads: No objections

DAERA Water Management Unit (WMU) : No objection.

DAERA Natural Environment Division (NED): Require further information.

Shared Environmental Services (SES): Further information required.

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:
- 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 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the design, scale, massing and finishes of the proposal, integration, and its impact upon rural character.

Principle of Development

8.2 The site is located approximately 2.5km to the North of Cushendun, within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB) and outside any defined settlement limit, as set out in the Northern Area Plan 2016.

8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

8.4 The immediate area is characterised by open countryside and dispersed pockets of residential and agricultural development.

8.5 Paragraphs 4.23 to 4.30 of the SPPS relates to good design. Design is a material consideration in the assessment of all applications and good design should be encouraged with specific regard to those areas recognised for their landscape value such as AONB's.

8.6 PPS 21 sets out the planning policies for development in the countryside. Policy CTY1 of PPS21 outlines the types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

- 8.7 Policy CTY12 of PPS21 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.
- 8.8 It has been demonstrated through consultation with DARD that the farm holding is active and established. The proposal meets criteria (a), (b), (c), and (e) of Policy CTY12 of PPS21 and the proposed scale, massing and design of the buildings are in keeping with the existing rural character, together with achieving visual integration. Being an existing established farm holding, the proposal will not exacerbate or have a detrimental impact on neighbouring residential amenity, however the proposal is contrary to criteria (d) in that insufficient information has been provided to demonstrate the proposed development will not have an adverse impact on the natural heritage.

Policy CTY 13 - Integration

- 8.9 Planning permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design.
- 8.10 The proposal involves the redevelopment of the existing farm by replacing and altering the existing structures to provide modern agricultural buildings. The existing open silos, and enclosed slatted pens will be enclosed by new sheds and extended in size on the upper part of the site. An existing shed on the lower part of the site will be replaced, with the other being retained as existing. The height of one of the sheds will be altered and the design and scale of the sheds will be in keeping with the rural character of the surrounding area. The existing accesses to the site will be retained, and overall the proposals can successfully integrate into their surroundings, and will not significantly exacerbate the visual impact created by the

existing farm complex. Overall, the proposal is not considered to be unduly prominent in the landscape. Based on the submitted drawings, the proposal represents an increase in floor area of approximately 22% from old to new. This increase gives rise to the potential for additional livestock numbers capable of being housed within the new sheds. This could give rise to additional impacts which have not been considered by DAERA. A condition to regulate or limit stock numbers would prove difficult to enforce.

Policy CTY 14 - Rural Character

- 8.11 Planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.
- 8.12 The proposal is located within open countryside and relates to the redevelopment of an active and established farm which has been operating for generations. Given the nature and scale of the proposal it is considered that the redevelopment of the existing farm buildings will not cause a detrimental change to the rural character or further erode it. The scale and design of the new buildings are typical of the area, respect the existing pattern of settlement, and are not considered to be unduly prominent in the landscape.

Natural Heritage

- 8.13 The application is in close proximity and hydrologically connected with Redbay SAC and within 7.5 km of Antrim Hills SPA, Carey Valley ASSI, Torr Head ASSI, Fair Head and Murlough Bay ASSI and Glenballyemon River ASSI which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and/or The Environment (NI) Order 2002.
- 8.14 Regulations 43 and 44 of the Habitats Regulations state that a competent authority, before it grants consent or permission for a plan or project (in our case a planning application), which is likely to have a significant effect on a European Site either alone or in combination and is not directly connected with or necessary for the management of the site, shall make an appropriate assessment of the implications for the site in view of that site's conservation objective. The

competent authority to carry out this assessment is DAERA and SES.

- 8.15 DAERA (NED), in response to a consultation request, have advised that insufficient information has been submitted in order to assess if the proposed development would have an adverse impact on these designated sites. DAERA have advised that the proposal has the potential to negatively impact habitats and supporting species of designated sites and potential degradation of adjacent aquatic environments from contaminated run off during the construction and operational works or from nitrogen deposition.
- 8.16 The application site is hydrologically connected to Red Bay SAC within c. 700m. Effluent will be collected within existing tanks and storm water will enter the Tornamoney Bridge, as per the existing drainage system. DAERA, NED requested additional information in the form of a completed DAERA Datasheet & Air Dispersion Modelling in order to make an assessment in relation to the potential impacts. The agent submitted additional information including nitrogen loading calculations for the farm business based on both livestock previously held and similar numbers that will be held following improvements. Estimates of slurry production and capacity were also included however this information failed to address all information requested by DAERA. In the absence of such information DAERA is unable to advise on whether this development would have significant environmental adverse impacts on natural heritage. Also SES are unable to complete the Habitats Regulation Assessment to inform the impact on designated sites, without this information being submitted.
- 8.17 Planning permission can only be granted for this type of development after it has been ascertained that it will not adversely affect the integrity of any European Site. Regulation 44 (5) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) states that where a planning authority proposes to grant permission notwithstanding the negative impact on the European Site for imperative reasons of overriding public interest it shall notify the Department and give the Department 21 days to direct the Council.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to the Strategic Planning Policy Statement, Policy CTY12 of Planning Policy Statement 21 and Policies NH1, 2 and 3 of PPS 2 in that insufficient has been submitted to make a determination of the potential impacts on designated sites. As such this proposal is recommended for refusal.

10 Refusal reasons

10.1 The proposal is contrary to paragraphs 6.175 and 6.176 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH1, and NH3 of Planning Policy Statement 2 in that insufficient environmental information has been provided to assess the impact on designated sites of International and National importance

10.2 The proposal is contrary to paragraphs 6.66 and 6.77 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21 criteria (d) in that insufficient information has been provided to demonstrate the proposed development will not have an adverse impact on the natural heritage.

