

<b>Planning Committee Report</b> <b>LA01/2018/0964/F</b>	<b>25<sup>th</sup> September 2019</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b> LA01/2018/0964/F	<b><u>Ward:</u></b> Giant's Causeway
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Ballylinney Cottages, 7 Causeway Road, Bushmills	
<b><u>Proposal:</u></b> Amendment to holiday let application E/2002/0013/F including erection of new accommodation unit, amendment to parking layout and relocation of gas tanks and extension of curtilage.	
<b><u>Con Area:</u></b> n/a	<b><u>Valid Date:</u></b> 02.08.2018
<b><u>Listed Building Grade:</u></b>	n/a
<b>Agent:</b> 2020 Architects, 49 Main Street, Ballymoney, BT53 6AN	
<b>Applicant:</b> Mr Alan Lavery, Ballylinney Cottages, 7 Causeway Road, Bushmills, BT53 6AN	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **Executive Summary**

- 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 located within the Distinctive Landscape Setting of the Giant's Causeway World Heritage site as set out under Designation COU 3 of the Northern Area Plan, and does not fall within the exceptions for development as set out in Policy COU 4.
- There have been no objections received on this application. DAERA Protected Landscapes team objected to the proposal.
- The proposal is contrary to policies CTY 13 & CTY 14 of PPS 21. The proposal will also have an unacceptable impact on the Causeway AONB and is contrary to policy NH6 of PPS 2.

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located within the Ballylinney Cottages development which is an established self-catering complex. The site is made up of a play park, car park, tennis court and a number of self-catering tourist buildings. The site is located at a lower level to the main road and is set back from the main road by approximately 115 metres. To the north the site is bounded by an existing tennis court with planting and an existing self-catering unit. To the south the site is bounded by a post and wire fence with some hedging. To the east the site is bounded by a post and wire fence with some vegetation. To the west the site is bounded by an existing area of hardstanding and an existing building which is used as a café with tourist accommodation above.
- 2.2 The proposed site is located within the rural area as designated by the Northern Area Plan 2016. It is located within the Distinctive Landscape Setting for the Giants Causeway World Heritage Site and is within The Causeway Coast AONB. Land surrounding the site is essentially rural in character with agricultural fields and some dwellings and self-catering units surrounding the site. The existing buildings are a combination of bungalow, 1.5 and 2 storey buildings which are finished predominantly in smooth render.

## **3 RELEVANT HISTORY**

LA01/2017/0097/F The erection of a self-catering holiday chalet. Ballylinney Cottages, 7 Causeway Road, Bushmills, Application Withdrawn 22.08.2017

E/2002/0013/F Provision of 3 no. additional holiday barn loft accommodation and restaurant facilities within structure of existing farm shed. Ballylinny Cottages, Giants Causeway, Bushmills.  
Permission Granted 05.12.2002

E/2001/0081/F Provision of 5 no. additional holiday cottages, conversion of existing games room to Manager's cottage, provision of new games room within structure of existing farm shed and replacement dwelling house. Ballylinny Cottages, Giant's Causeway, Bushmills.  
Permission Granted 07.11.2002

E/1994/0082/F Erection of 6 holiday cottages and conversion of farm. 7 Causeway Road, Ballylinney Bushmills.  
Permission Granted 22.08.1994

- 3.1 The proposed development relates to an amendment to application reference E/2002/0013/F in which permission was granted for 3 additional holiday lets and holiday barn conversion to provide an additional new unit of accommodation. In regard to the former application permission was granted for an additional extension to the existing barn which was never implemented. Given a material start was made on this development this can still effectively be completed. However the key difference in relation to this proposal is that it relates to a new building and in Policy terms is assessed differently having particular regard to Policy COU 4 of the Northern Area Plan. Having looked at the previous approval it was also apparent that there has been an increase to the curtilage of the site. However these works appear to have been completed over 5 years ago (verified by aerial photography) and would be immune from enforcement action. An amended description was requested and received. The proposed development was then re-advertised and a further neighbour notification was sent.

#### **4 THE APPLICATION**

- 4.1 Amendment to holiday let application E/2002/0013/F including erection of new accommodation unit, amendment to parking layout and relocation of gas tanks and extension of curtilage.

## **Design and Access Statement**

- 4.2 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is located within an AONB and the Distinctive Landscape Setting of the Giants Causeway and includes provisions for over 100 square metres of floor space. A design and access statement has been provided as part of the scheme and it does provide the required details relating to the design principles and concepts that have been applied to the development and how issues relating to access and impacts on designated sites have been dealt with.

## **Habitats Regulations Assessment Screening**

- 4.3 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) Regulations (Northern Ireland) 1995 as the proposal does not have a hydrological link as a pathway for pollution to a European Site. The proposal would not be likely to have a significant effect on the features, conservation objectives or status or any of these sites.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 **Neighbours:** No objections received

### **Internal**

- 5.2 **Transport NI:** Has no objection to the proposal.

**NI Water:** Has no objection to the proposal.

**Environmental Health:** Has no objection to the proposal

**DAERA:** No objection

**DAERA Water Management Unit:** No objection.

**DAERA Landscapes:** Has objected to the proposal.

**Historic Environment Division:** Has no objection to the proposal.

## **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)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: Planning Policy, Distinctive Landscape Setting, the Principle of Development, Visual Integration and Rural Character, Impact on the AONB and Roads Issues.

### **Planning Policy**

- 8.2 The RDS promotes a sustainable approach to the provision of tourism infrastructure. The principle of development proposed must be considered having regard to the Northern Area Plan (NAP), the SPPS, and relevant Planning Policy Statements specified above.
- 8.3 NAP 2016 does not have any specific policy on Tourism, however, it states on page 17 that “Tourism related development consistent with the principles of sustainable development and the protection of the Northern Plan Area’s finest landscapes will be provided in line with regional planning policies.”
- 8.4 Paragraph 6.255 states that the aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.
- 8.5 The SPPS also states that for acceptable tourist development in the countryside must be of a high quality and sustainable form of tourism development. It continues under paragraph 6.265 that a positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Paragraph 6.266 states that applications for tourism development will also be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts so as to ensure high quality, safe and otherwise satisfactory forms of development.

## **Distinctive Landscape Setting**

- 8.6 The proposed site lies within the Distinctive Landscape Setting of the Giant's Causeway World Heritage Site. This is set out under Designation COU 3, The Distinctive Landscape Setting of the Giant's Causeway and is subject to consideration under Policy COU 4.
- 8.7 The starting point of Policy COU 4 is that no development will be approved within the Distinctive Landscape Setting outside of settlement development limits other than the three stated exceptions. These exceptions are:
1. Exceptionally modest scale facilities, without landscape detriment, which are necessary to meet the direct needs of visitors to the World Heritage Site;
  2. Extensions to buildings that are appropriate in scale and design and represent not more than 20% of the cubic content of existing buildings;
  3. Replacements of existing occupied dwellings with not more than a 20% increase in the cubic content.
- 8.8 Although the development may provide a facility for people visiting the area, the proposed development still remains contrary to Policy COU 4 of the Northern Area Plan as it does not meet the exceptions as set out in this policy. In this case, the proposed development will provide a facility to meet the needs of tourist and visitors to the general area, and while individuals may or may not choose to avail of facilities at or visit the WHS, the proposal is not related to the direct needs of the visitors. It is considered that the proposal does not meet the direct needs of visitors specifically to the World Heritage Site and therefore does not qualify as an exception under this test.
- 8.9 A letter was submitted on 13<sup>th</sup> August 2019 which attempted to justify that the proposal was in keeping with exception 2 which relates to the extension of buildings. It was stated that in terms of size the total cubic content of the proposal is 375.04m<sup>3</sup> and that the previous approval was 319.5m<sup>3</sup>. It was stated that this represents a total cubic increase of 55m<sup>3</sup> or 18.8% which is keeping with Policy. However, given the proposed development is standalone and includes the erection of a new building it



cannot be considered as an extension to an existing building therefore it does not meet exception 2.

- 8.10 This proposal does not also involve the replacement of existing buildings and therefore does not meet exception 3. No other material considerations have been presented in relation to this application that warrant setting aside NAP, and as the proposal is contrary to the adopted plan it is unacceptable.
- 8.11 Policy COU 4 of the Northern Area Plan is complemented by Policy BH 5 of Planning Policy Statement 6 which relates to the Protection of World Heritage Sites. Policy BH 5 of PPS 6 requires a presumption in favour of the preservation of the World Heritage Site and its setting. Having regard to BH 5, it is considered that there are no exceptional circumstances associated with this application that would set aside the policy considerations contained in this policy. This policy also restricts development that would have an adverse impact on the World Heritage Site or the integrity of its setting. The extent of the Distinctive Setting of the World Heritage Site and the policy framework attached to this has been established in the adopted Northern Area Plan. The proposed development given its visual impact having particular regard to the car parking area will have a detrimental impact on this designated area. Therefore the proposal is contrary to PPS 6.

### **Tourism Development**

- 8.12 Whilst the proposal fails to meet with the Area Plan Policy it is still necessary to consider the proposal under the remaining relevant policies.
- 8.13 In line with Policy TSM 5 of PPS 16 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.

- 8.14 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. The proposed development is located within an already existing self-catering establishment and therefore meets criteria (a) of this policy. The proposal would be considered subsidiary in scale as it proposes one additional unit to an already existing self-catering accommodation located at Ballylinney Cottages.
- 8.15 In terms of design the proposed development would be two storey, traditional in form with a pitched roof. The proposed development will be finished with white render walls, natural slate roof and timber windows. These finishes would match the existing buildings located within the vicinity of the site. There are also two storey units located in proximity to the site. The proposed development would also be considered ancillary to the primary tourism use and would be an extension of an existing self-catering complex. The proposal is acceptable having regard to this policy.
- 8.16 The proposed change to the car park and its formalised nature would impact on the character of the area. The vehicular movements associated with this car park would emphasise this impact.
- 8.17 All tourism developments must also comply with the 15 criteria set out in TSM 7 of PPS 16. These criteria relate to design, layout, boundary treatment, drainage, crime, impact on character and neighbouring residents, access arrangements, sewage disposal and impacts on features of natural or built heritage.
- 8.18 In terms of design the proposed building is two storey and is traditional in nature and similar to existing buildings located within the complex. The proposed building will be screened by existing built form located around the site. Given the setback

nature of the building from the public road, its location at a lower level to the main road and the existing buildings located around the site it is considered that the proposed building would have a limited impact on character. The site is also located within an existing self-catering complex and given the proposed use it is unlikely to have a detrimental impact on neighbouring residents. Environmental Health was consulted in relation to the scheme and raised no objections.

- 8.19 DAERA Protected Landscapes team raised concern that an increase in car park spaces from 10 to 21 and an increase in car numbers and car movement within the site and access road, allied to coach parking and movement, would result in an adverse impact on the landscape character of this sensitive area. It was also noted that the formal nature of the car park (in a block) is more akin to an urban development as opposed to the essentially rural nature of this site and surrounds. The Planning Authority would be in agreement with this.
- 8.20 In terms of access arrangements DFI Roads did raise initial concern regarding the access provision for coaches and how they would manoeuvre around the site. Amended plans have since been received and DFI Roads are now content with the proposal subject to condition. No further information was received in regard to this matter. In terms of sewage the proposal will use a septic tank. DAERA Water Management Unit and NI Water was consulted in regard to the scheme and raised no concern. The proposed development will not have a detrimental impact on Built Heritage or Natural Heritage given its location within an existing self-catering accommodation. Given the concerns with the proposed car parking area the proposed development would be contrary to criteria (b), (c), (g) and (i) of Policy TSM 7.

### **Visual Integration and Rural Character**

- 8.21 In terms of visual integration the proposed building is located at a lower level to the main road and stepped back from the main road by approximately 115 metres. Given this the proposed building is not considered to be prominent. There is some existing vegetation located around the site but this is minimal. Within an amended plan received on 13<sup>th</sup> August 2019 additional planting along the boundaries has been proposed. It

is considered that the proposed building will integrate into the landscape effectively as it is screened by existing buildings located around the site which will limit public view. The proposal will use an existing access laneway and an area of hardstanding for additional parking. The impact of the proposed development will damage rural character as set out in paragraph 8.19 of this report.

8.22 There are views of this area from the public road. Additional landscaping is proposed along the south eastern boundary of the site in the form of hedging at a height of 2 metres and larger trees to include oak, ash and beech proposed at 3 to 4 metres. It is considered that these trees would not be in keeping with the character of the area which is characterised by low level hedgerows. Although this will provide additional screening of the car park, views of this area will still be apparent. It is therefore considered that the proposed car parking area would have a detrimental impact on the landscape and would be contrary to Policy CTY 13.

8.23 Given this, the proposed development would be considered contrary to both Policy CTY 13 and 14 of PPS 21 as the applicant has failed to appropriately demonstrate the visual impact of the proposed development and the ancillary works do not integrate effectively with their surroundings and would damage rural character.

### **Impact on the AONB**

8.24 This proposal is located within The Causeway Coast Area of Outstanding Natural Beauty. In line with Policy NH 6 of PPS 2 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. It must respect the special character of the area, it must conserve features of importance to the area and it must respect local architectural styles and traditional boundary details within the area.

8.25 Given the location of the building at a lower level to the main road, the stepped back nature of the building away from the main road and the existing buildings located around the site use of the site it is considered that the proposed building will not

have a detrimental impact on the AONB. However, there is concern regarding the proposed formal car park and the movement of vehicles and coaches within the site. DAERA Protected Landscapes team has also raised concern in regard to the car park. Policy AMP 9 of PPS 3 expects a high standard of design layout and landscaping for car parks in the rural area and that particular care is given to sites in sensitive locations. Therefore it is considered that the proposed development would have a detrimental impact on the AONB and would be contrary to this policy and AMP 9 of PPS 3.

### **Roads Issues**

- 8.26 DFI Roads was consulted in regard to this application and did raise initial concern regarding the parking arrangements as it will not permit coaches to manoeuvre within the curtilage of the site. DFI Roads requested additional information in the form of a swept path drawings to show how coaches can get into the repositioned coach parking bays. This information has since been provided and DFI Roads are now content with the proposed development subject to condition. The proposal therefore meets with this criteria of planning policy.

## **9 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 located within the Distinctive Landscape Setting of the Giant's Causeway World Heritage site as set out under Designation COU 3 of the Northern Area Plan, and does not fall within the exceptions for development as set out in Policy COU 4. The proposal is contrary to policies CTY 13 & CTY 14 of PPS 21. The proposal will also have an unacceptable impact on the Causeway AONB and is contrary to policy NH6 of PPS 2. As such this proposal is recommended for refusal.

## 10 REASONS FOR REFUSAL

### 10.1 Reasons:

1. The proposal is contrary to paragraph 6.6 of the SPPS Planning for Sustainable Development and Policy COU 4 of the Northern Area Plan 2016 in that the site lies within the Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site. The proposal does not qualify as an exception and therefore does not justify a relaxation of the strict planning controls in this area.
2. The proposal is contrary to paragraph 6.6 of the SPPS Planning for Sustainable Development and Policy BH 5 of Planning Policy Statement 6, Planning Archaeology and Built Heritage, in that the site would adversely impact the integrity of the setting of the Giant's Causeway and Causeway Coast World Heritage Site, and there are no exceptional circumstances to justify a relaxation of the strict planning controls in this area.
3. The proposal is contrary to policies CTY 1, CTY 13 and CTY 14 of PPS 21: Sustainable Development in the Countryside and Policy AMP 9 of PPS 3 as it has not been demonstrated that the proposal will not be unduly prominent in this sensitive landscape; and the ancillary works do not integrate with their surroundings and would damage rural character.
4. The proposal is contrary to Policy NH 6 of PPS 2: Natural Heritage as the siting and scale of the proposal is not sympathetic to the special character of the Causeway Coast Area of Outstanding Natural Beauty and it fails to respect the character, appearance and heritage of the landscape.

# Site Location



Project no: JAP1587    Dwg no: 01/    Project title: Amendment to previous app E/2002/0013/F of Ballyinny Cottages    Dwg: Location Map    Client: Mr Alan Laverly    Dwg by: SMG    Ckd by: MMV    Scale: 1:2500

# Site Layout

