

Planning Committee Report LA01/2017/1586/F	22 January 2020
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>	LA01/2017/1586/F	<u>Ward:</u>	Aghadowey
<u>App Type:</u>	Full		
<u>Address:</u>	Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey		
<u>Proposal:</u>	Conversion and extension to historic mill outbuilding to facilitate wedding functions on ground floor with apartment above		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	27.11.17
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Donaldson Planning Ltd, 50A High Street, Hollywood, BT18 9AE		
<u>Applicant:</u>	Fergus Duncan, 26 Mill Lane, Aghadowey, BT51 3SX		
<u>Objections:</u>	4	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, Policy CTY 4 of PPS 21 and Policy AMP 2 of PPS 3.
- 4 objections have been received on the application from residents along the existing laneway.
- A Noise Impact Assessment has been submitted with the application. Environmental Health have commented on this are content with the conclusions of this report. They have recommended conditions and informatives.
- DFI Roads have advised that the proposal will result in an intensification of the existing access onto the Moneybrannon Road and that enhanced visibility splays are required at this junction in the interests of road safety.
- It has not been demonstrated that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

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 in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application comprises an existing outbuilding which is located on the site of a former Flax Mill. The site is located at the end of an existing laneway which serves a number of existing residential dwellings.
- 2.2 The site is located in the countryside outside any settlement limit as defined within the Northern Area Plan 2016. It does not fall within any specific environmental designations.

3 RELEVANT HISTORY

C/2005/0537/F – Change to dwelling house with guest annex. Granted 8th May 2006.

4 THE APPLICATION

- 4.1 This is a full application for conversion and extension of historic mill outbuilding to facilitate wedding functions on ground floor (Maximum 6-8 per annum) with apartment above.

5 PUBLICITY & CONSULTATIONS

5.1 External

4 objections have been received in relation to this application. Issues relate to:

- increased traffic and safety issues due to intensification of use of the shared laneway;
- the exit from Mill Lane onto the Moneybrannon Road is not suitable for a large volume of vehicles as visibility is very limited;
- the single track laneway is unsuitable with no room for cars to pass oncoming traffic;
- impacts regarding noise and anti-social behaviour which have already been experienced by previous weddings at the Flax Mill; and
- health and safety concerns relating to young children.

5.2 Internal

- DFI Roads: Recommend refusal if visibility splays not provided.
- DAERA:
Water Management Unit (WMU): No objection
Natural Environment Division (NED): No objection
Land, Soil & Air: Advice provided.
- DfI Rivers: No objection.
- Historic Environment Division: No objection
- NI Water: No objection
- Environmental Health: Recommend conditions & informatives.

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 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

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 6 – Planning, Archaeology & the Built Heritage

Planning Policy Statement 21 – Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposed development must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, visual impact and rural character, access, amenity, natural heritage and health and safety.

Principle of development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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. The application is for conversion of an existing outbuilding and therefore falls to be assessed under Policy CTY 4 and the SPPS.
- 8.3 Planning permission will be granted for re-use of an existing building in accordance with Policy CTY 4. Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.
- 8.4 The proposed development involves conversion of an outbuilding which was previously approved as a garage/store to a wedding function room and first floor apartment with an extension. The building was part of a former flax mill and is of traditional vernacular form and would be considered to be locally important.
- 8.5 Policy CTY 4 states that permission will be granted for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses where this would secure its

upkeep and retention. Under Policy CTY 4, such proposals will be required to be of a high design quality and meet all of the following criteria:

- (a) the building is of permanent construction
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character and appearance of the locality
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality
- (g) access to the public road will not prejudice road safety or inconvenience the flow of traffic

8.6 The building to be converted is of permanent construction and is established on the site. The building to be converted is a traditional stone building which is currently in a good state of repair. It appears that works, including alterations and extensions, have already been carried out. Historic Environment Division have no archaeological concerns given the previous renovation work carried out at the site. Given the location of the building and limited views, the proposed works would not have an adverse impact on the character and appearance of the locality.

8.7 Alterations to the building have already been carried out including a single storey porch and additional windows and doors. The proposed extension comprises a two storey extension with glazing and a dormer window on the second floor side elevation. A balcony will also be formed over the existing porch. There is an additional building

comprising a toilet block. The overall scale is not dominant to the existing building and given that public views are limited, would be acceptable.

- 8.8 The non-residential element involves use of the building for wedding functions at ground floor level. It has been anticipated that there will be approximately 6-8 weddings per year. Wedding functions have the potential to give rise to adverse impacts due to the playing of amplified music and use of external areas. There are other examples of this type of development within countryside locations, however the nature of activities proposed have the potential to give rise to issues such as noise and disturbance within this rural locality.
- 8.9 The Environmental Health Department was consulted in relation to this application and initially had concerns regarding the potential noise impact of the proposal. The Environmental Health Department can confirm receipt of complaints relating to noise disturbance emanating from similar events/wedding venues within the Borough due to music/entertainment and firework displays. Objectors have raised issues regarding noise and anti-social behaviour experienced from previous weddings held at the Flax Mill.
- 8.10 An Outward Sound Level Impact Assessment was submitted on 11th June 2019 which concludes that entertainment noise should not give rise to unreasonable disturbance and will not exceed the target noise rating criterion. Environmental Health were re-consulted with this report and appear content that with acoustic barrier upgrading and restrictions relating to window/door openings and the playing of live/amplified music the proposal would not have an undue impact on residential amenity. They have recommended a number of planning conditions in relation to noise in order to minimise noise impacts and to safeguard residential amenity which is based on the content of the acoustic report submission.

Access

- 8.11 The proposed development will be accessed via an existing shared laneway which serves six existing residential dwellings. Objectors have raised concerns regarding the intensification of use of the lane and danger to residents and children due to increased traffic. DfI Roads were consulted and state that the proposed development would be considered as a unit on its own with resultant intensification

of the existing access. As the laneway already provides access to six properties, additional development will require the visibility splays of 4.5m x 160m. The applicant would require control over additional lands to provide these splays.

- 8.12 Further information was received on 11th June 2019 from the agent in relation to Dfl Roads' consultation response. The agent states within this letter that the proposal seeks only to use the premises for an occasional wedding venue and that the existing access has adequate visibility to safely accommodate the proposed use. Dfl Roads were re-consulted and following consideration of this letter, confirmed that their opinion that the proposal will result in intensification in use of the existing access has not changed and their recommendation is to refusal permission if the required visibility splays cannot be achieved.
- 8.13 It has not been demonstrated that access to the public road will not prejudice road safety or inconvenience the flow of traffic, therefore the proposal is contrary to Policy AMP 2 of PPS 3, Access, Movement and Parking and criteria (g) of Policy CTY 4 of PPS 21, The Conversion and Reuse of Existing Buildings.

Built Heritage

- 8.14 The Flax Mill is an Industrial Heritage registered site dating to at least the early nineteenth century. HED have considered the proposal and due to the nature and scale of the proposed works and previous renovation works carried out at the site has no archaeological concerns. The proposal meets Policy BH 2 of PPS 6.

Natural Heritage

- 8.15 The proposal involves conversion of a building. Natural Environment Division (NED) advised that the development has the potential to impact on protected species and habitats and requested additional photographic evidence to be submitted to support the claim that the structures on site are unsuitable to support a bat roost.
- 8.16 Following submission of this information, NED has no concerns regarding the impact of the proposal on designated sites and other natural heritage features, subject to conditions. The proposal is acceptable under Policy NH 2 of PPS 2 Natural Heritage.

9 CONCLUSION

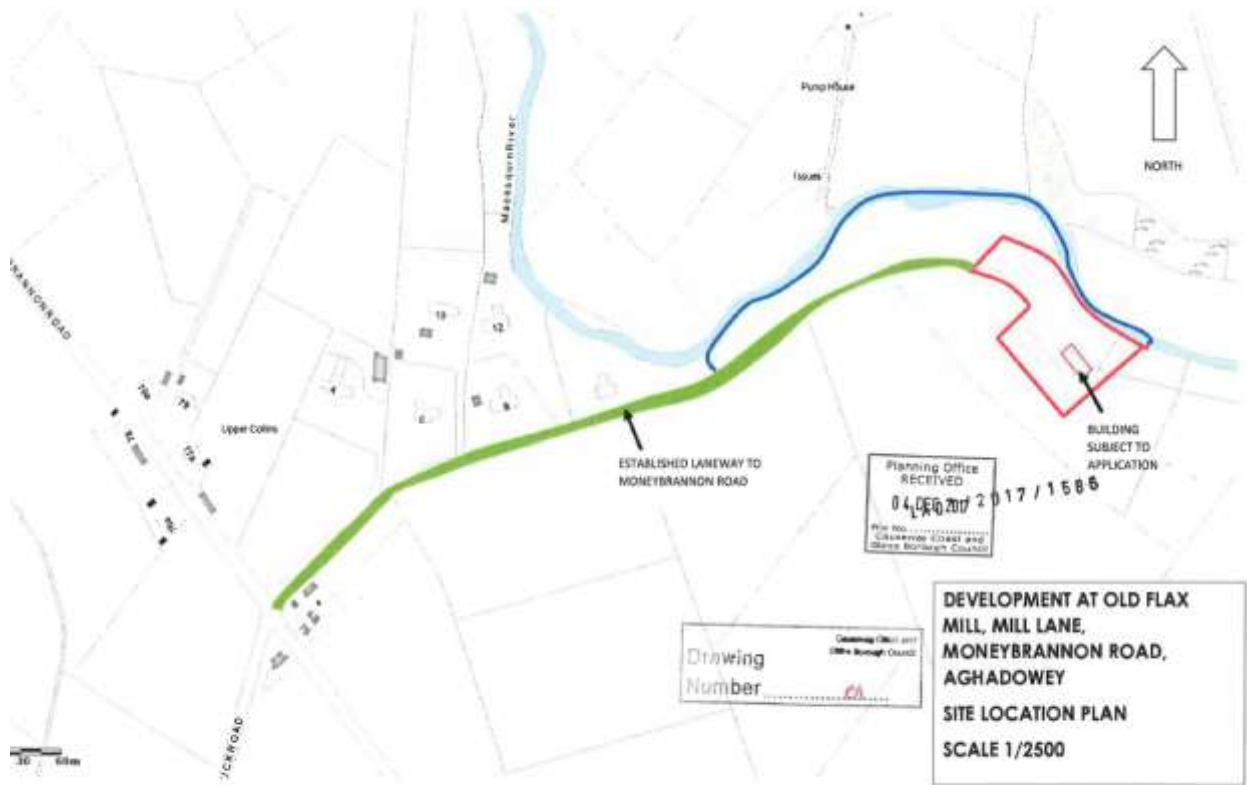
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS 21 and PPS 3. The proposal fails to meet all the tests of the SPPS, Policy CTY 4 of PPS 21 and Policy AMP 2 of PPS 3 as it has not been demonstrated that the proposal would not prejudice the safety and convenience of road users. Refusal is recommended.

10 Reasons for Refusal

10.1 Reasons for Refusal:

1. The proposal is contrary to paragraph 6.73 of the SPPS & Policy CTY 4 of PPS 21, Sustainable Development in the Countryside and Policy AMP 2 of PPS 3 Access, Movement & Parking, in that it has not been demonstrated that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Site Location Plan



Addendum

LA01/2017/1586/F

1.0 Update

1.1 Further information was submitted by the agent on 14th October 2019 justifying how they believe the proposal would not result in intensification of traffic on the laneway. It states:

- DCAN 15 is a guidance document and it is recognised that it may not always be practical to fully comply with its requirements. They refer to a PAC decision (2008/R002) where this is reflected.
- DFI response mistakenly indicates this will be the 7th dwelling on the lane whereas there are already 7 dwellings on the laneway.
- Modest scale of the venue for 6-8 weddings per annum will not attract large volumes of cars and visitors to country weddings often use minibuses and taxis;
- The average increase in movements is likely to fall below the 5% increase in traffic which is referred to in DCAN 15 as the threshold for intensification for the access;
- If vehicle movements per day (vpd) are considered to be above the guide figure of 60 it will remain at the lower end of the figure 60-1,000 vpd;
- Most houses on Mill Lane were approved between 2002 and 2009 and wouldn't have been approved if the laneway was not considered safe;
- Existing visibility at Mill Lane is already 4.5m by 160 m to the critical right hand side emerging. It is 2.4m by 160m to the left hand side emerging (where traffic will be on the opposite side of the carriageway) and therefore there is good visibility in both directions.

- The Highway Code stopping distances for cars stopping at 60 mph on Moneybrannon Road can stop in 73 metres so the splays of 160 m in each direction incorporate a high margin of safety.
- 1.2 In response to this the Planning Authority would consider that DCAN 15 is a material consideration in the assessment of planning applications and it sets out and explains the standards outlined in Planning Policy Statement 3, Access, Movement and Parking. There are currently 6 properties which use the same access point onto Moneybrannon Road which equates to 60 vpd and therefore the requirement for 4.5m by 160m as outlined in DCAN 15. Visitors to the wedding venue making use of minibuses and taxis is outside the control of the Planning Authority and therefore would be given limited weight. Clarification on the calculation of intensification was sought from DFI Roads. They advised that the 5% intensification calculation as set out in DCAN 15 is calculated on the basis of daily traffic movements and not a longer term average. On the basis that each wedding could take up to a maximum of 80 guests this would lead to an intensification of the laneway. Even if guests were to travel in pairs that would result in an additional 40 vehicles per day and 80 vehicle movements per day, resulting in intensification. DFI Roads have recently measured the current visibility splays on site at the junction with the Moneybrannon Road. They confirmed that the visibility splays currently available at the access are 4.5m by 106m on the right hand side emerging and 2.4m by 23m on the left hand side emerging therefore falling short of the 4.5m by 160m required.
- 1.3 DFI Roads was consulted in relation to this submitted information. A response was received on 7/11/19 in which refusal was recommended. The following refusal reason refers;
- “The proposal is contrary to Planning Policy Statement 3, Access, Movement & Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 4.5m x 160m cannot be provided in accordance with the standards contained in the Departments Development Control Advice Note 15.
- 1.4 The application was deferred at the September Planning Committee meeting to allow for a site visit to be carried out. The

site visit was carried out on Thursday 17th October 2019. At the site visit members raised a number of queries which they sought clarification on. In relation to these queries it has been confirmed that:

- The wedding venue can accommodate up to about 80 people per wedding although it will not always have this number;
- The existing properties along Mill Lane were approved between 2000 and 2010. They each required visibility splays of 2.4m by 120 m in both directions.
- As stated above, the current visibility splays available are below this requirement. Given the length of time which has passed since these sites were approved the none provision of the required visibility splays is now immune from enforcement action for most dwellings.
- Concern was raised in relation to the narrowness of the laneway, the ability for vehicles to pass and the impact this would have in relation to the existing residents along the laneway. It is considered that given the nature of the event where people will be arriving at the same time and not leaving again for some time the opportunity for a significant number of vehicles passing each other on the laneway is limited as they will be travelling in the same direction. Those impacted may be the residents along the laneway leaving their properties and meeting on coming vehicles. However, on balance it is considered that given the limited number of weddings per annum the impact would not be to such a detriment as to warrant refusal on adverse impact to residential amenity.
- Following the latest consultation response from DFI Roads the reason for refusal should be re-worded as follows:

‘The proposal is contrary to paragraph 6.73 of the SPPS & Policy CTY 4 of PPS 21, Sustainable Development in the Countryside and Policy AMP 2 of PPS 3 Access, Movement & Parking, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 4.5m x 160m cannot be provided in accordance with the standards contained in the Departments Development Control Advice Note 15.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.



Causeway
Coast & Glens
Borough Council

SITE VISIT REPORT: THURSDAY 17 OCTOBER 2019

Committee Members: Alderman Boyle, Duddy, Finlay, S McKillop, McKeown; Councillors Anderson, Baird, Dallat O'Driscoll, Hunter (Chair), McGurk, P McShane, MA McKillop, McLaughlin (Vice Chair), McMullan, Nicholl, Scott

TIME: 10AM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

LA01/2017/1586/F The Old Flax Mill, 26 Mill Lane, Monneybrannon Road, Aghadowey BT51 3SX

App Type: Full

Proposal: Conversion and extension to Historic Mill outbuilding to facilitate Wedding Functions on ground floor (Maximum 6-8 per annum) with apartment above.

Present: Alderman Duddy, Councillor Hunter (Chair), McGurk, Nicholl, Baird, Anderson, Shane Mathers and Emma Hudson

Comments: Officials advised on the planning policy context for the application. Officials explained that the proposal failed to meet Policy CTY 4 of PPS 21 and AMP 2 of PPS 3 as it has not been demonstrated that access to the public road (Moneybrannon Road) would not prejudice road safety or inconvenience the flow of traffic. Officials advised that DFI Roads have requested 4.5m x 160m visibility splays at the road junction, due to intensification of the access, which are not available. Officials advised there were 4 objections to the proposal citing intensification of the access, narrowness of the laneway, noise/anti-social behaviour and safety of children along the laneway. A noise impact assessment was submitted as part of the application. Environmental Health were consulted and offered no objection subject to a number of conditions. Viewed site from outside and inside the building and also at the junction of Mill Lane and Moneybrannon Road. Members queried the number of people who would be attending each wedding, the current visibility splays and the visibility splays approved for existing dwellings along the laneway. Officials advised they would obtain this information and advise members.

[REDACTED]

[REDACTED]

[REDACTED]