

Title of Report:	Planning Committee Report – LA01/2021/1131/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th June 2023
For Decision or For Information	For Decision – Council Interest

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.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The application site falls within Cromore LLPA as designated within NAP 2016.
- 9 letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The proposal will not adversely affect the environmental quality, integrity or character of the designated Cromore LLPA.
- The design of the bubble domes and reception building in terms of layout, scale, massing and materials is considered acceptable.
- The proposal is acceptable in terms of visual integration and will not harm rural character.
- The proposal is not considered to create unacceptable conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- The proposal does not harm the setting of nearby listed buildings.
- The proposal is acceptable in terms of archaeology.
- The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.
- The proposed development is acceptable from a drainage or flood risk perspective.
- Access and parking arrangements are acceptable.
- The proposal does not result in natural heritage issues.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 21, PPS 16, PPS 15, PPS 6, PPS 3 and PPS 2.

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

1.0 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 **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 This site is irregular in shape and comprises lands South West and South East of No. 58 Cromore Road, Coleraine. The application site for the proposed bubble domes is located between the Old Coach Road footpath and Bridlepath and Cromore House, a listed building. This land is vacant and the central part comprises hard surfacing. It is enclosed by dispersed trees on all sides. The site is defined by a post and wire fence. A manhole and electrical kiosk (private sewage pumping station) are located in the south western part of the site. There is an overhead electricity line terminating in a pole mounted transformer in the lower middle part of the site. This land generally falls from north east to south west with a difference of 2.9m. A concrete lane runs along the southern edge of the site, linking Cromore Estate to the Old Coach Road. The application site for the reception and parking area is located south east of Cromore House. An extensive plantation including oak, ash, holly and yew lies to the east and arches around this area. Access to the site is from Cromore Road up a narrow laneway.
- 2.2 The site is located within the countryside. Beyond the northern boundary, farmland rises towards the Knockancor feature and the edge of Portstewart housing at Dunsuivnish Avenue. To the west of the site, the Old Coach Road Footpath and Bridlepath runs north-south, flanked by trees. The site is located within Cromore Local Landscape Policy Area (LLPA) as designated under NAP 2016.

3.0 RELEVANT HISTORY

3.1 C/2008/0393/F

Approximately 100m N.E of No. 58 Cromore Road, Portstewart
Retention of 8No. dwelling units comprising
conversion/refurbishment of existing stable/residential block to
6No. dwelling units and conversion of existing vernacular
building to 2No. dwelling units.

Approval

C/2005/0231/O

Lands adjacent to Cromore House, 58 Cromore Road,
Portstewart

Residential nursing home and care facility

Withdrawn

C/2003/1336/O

Adjacent to 58 Cromore Road, Portstewart

Site for community based residential care facility

Withdrawn

C/1991/0125

Cromore House, Cromore Road, Portstewart

Change of use of dwelling to nursing home

Approval

C/1985/0598

Cromore House, Cromore Road, Portstewart

Change of Use of Listed Building to Hotel with provision of car
parking

Approval

4.0 THE APPLICATION

- 4.1 Proposed 5no. bubble domes for holiday use, including
associated reception unit, access, guest and staff parking and
landscaping

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

9 letters of objection have been received in relation to this application from 4 separate addresses. The main issues are summarised below:

- Overlooking/Loss of Privacy
- Harm visual amenity
- Noise and disturbance
- Loss of trees
- Negative impact on listed building and the setting
- Design, appearance and materials
- Landscaping
- Loss of property value
- Private property disputes – boundaries/access
- Encroaching on land by guests/residents
- Disturbance of animals grazing in field
- Negative impact on value of future developments
- Impact on Built Heritage of Cromore House Estate
- Impact on the residential amenity of Cromore House (Loss of privacy, noise, odour, light and general disturbance)
- Impact on the character of Cromore House
- Impact on the security of Cromore House (incompatible land use)
- Conflict and traffic risk of the access onto the laneway at Cromore House
- Impact on Natural Heritage of Cromore Estate Grounds
- Insufficient information pertaining to the proposed drainage infrastructure
- Contrary to PPS 2, PPS 6, PPS 16 and PPS 21
- Other material considerations:
 - Legal entitlement of the applicant to execute elements of the proposal
 - The validity of this application, which has been conveniently limited to 0.99hectares, thereby apparently avoiding the classification as Major development.

5.2 **Internal:**

NI Water (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

Historic Environment Division: Historic Buildings (No objections)

Historic Environment Division: Historic Monuments (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Natural Environment Division (No objections)

Shared Environmental Services (No objections)

DFI Rivers (No objections)

Internal Tree Officer (No objections)

Development Plan (No objections)

6.0 **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)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 6 – Planning, Archaeology & the Built Heritage

PPS 15 - Planning and Flood Risk

PPS 16 - Tourism

PPS 21 - Sustainable Development in the Countryside

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the countryside between Coleraine and Portstewart. The application site falls within Cromore LLPA and Cromore Historic Park, Garden and Demesne as designated within NAP 2016.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Impact on LLPA, tourism, visual impact and rural character, the built heritage, archaeology, flooding, access and parking, and natural heritage.

Impact on LLPA

- 8.3 The application site falls within the Cromore LLPA (Designation PTL 01) from NAP 2016. Policy ENV 1 of NAP 2016 applies for LLPAs and development proposals must not adversely affect the environmental quality, integrity or character of a designated LLPA. Cromore LLPA features of importance include:
- The Cromore estate is one of the few well-wooded areas close to the North Coast
 - It forms a most attractive landward setting for Portstewart
 - There are also a number of Listed Buildings within the LLPA
 - The tree and hedge lined route of the former Coach Road from Cromore House towards Portstewart is a valued natural corridor providing a most attractive pedestrian/cycle route.

Within this LLPA, there will be a presumption against new development. Favourable consideration may also be given to the extension of existing tourism facilities providing integrity and quality of the LLPA is not adversely affected.

- 8.4 The Agent submitted a document to specifically assess the proposed development in relation to Cromore LLPA (For full details please review Doc 05 – Design and Access Planning Statement (Third Addendum: Cromore LLPA). This document looked at how the LLPA was initially drafted, and how this drafting was subsequently refined, firstly to allow some flexibility for tourism development in the area and secondly to place the

“burden of proof” on the developer to show there would be no harm to the integrity of the LLPA.

- 8.5 This document detailed the planning permission granted under LA01/2019/1217/F for a proposed extension to an existing holiday park (Ballyleese Town and Country Caravan Park) which runs into the Cromore LLPA. This document advised that Cromore Estate has been the setting for tourism facilities for example, Cromore Village Holiday Cottages and Yippee Tents Boutique Camping. This document further explains how the proposed development does not harm any of the designated features of importance of Cromore LLPA and therefore is in accordance with Policy ENV 1 of NAP 2016.
- 8.6 This document concludes with other material considerations that must be assessed such as Tourism benefits (luxury accommodation is in high demand), Economic benefits (direct access to all amenities located in Portstewart), Community benefits (approx. 8 full-time jobs for hospitality and horticultural workers; landscape improvements; anti-social behaviour deterred) and Environmental Benefits (long term monitoring and conservation of existing woodland and restocking by new planting enhancing wildlife habitats and increasing biodiversity).
- 8.7 Development Plan was consulted to aid assessment in terms of the impact upon the LLPA. When considered in the context of the designating features of the LLPA, the proposed development would not adversely affect the integrity and quality of the LLPA. The wooded nature of the area has been given careful consideration in the overall design and layout. The trees are incorporated as a fundamental part of the scheme, with care taken to limit any impact of development and with Root Protection Areas respected in accordance with recognised standards. Given the nature of the proposal and the retention and enhancement of vegetation around the site, the development will not detract from the attractive landward setting of Portstewart, and the tree lined pedestrian corridor which links Cromore House to Portstewart is unaffected by the proposal. In relation to the listed buildings within the LLPA, Historic Environment Division have been consulted and are satisfied that the proposed development is in accordance with PPS 6.

- 8.8 Development Plan also considered the supporting text contained in NAP 2016 and the recommendations of the PAC. The proposal does not meet either of the two exceptions afforded under this policy in that, it is a new development and is not linked to the extension of an existing tourist facility or building of historic merit. However, Development Plan conclude that they could not sustain an objection based on the impact to the LLPA given that the design and layout of the development is sensitive to the designating features of the Cromore LLPA. Development Plan note that the relationship between the proposed bubble domes and Cromore House are unusually close and this may create the potential for conflicting land uses which requires full consideration.
- 8.9 The Agent details a planning history (LA01/2019/1217/F) relating to extension of an existing caravan park in Cromore LLPA but this is not relevant to assessment of this application. This was approved as an extension to an existing tourism facility on Agherton Road. The Agent also mentions tourism facilities such as Cromore Village Holiday Cottages. While these properties may have been let out as holiday accommodation in the past, it is important to note these properties were approved as dwellings and therefore have no material weight in consideration of this application. Yippee Tents Boutique Camping is also detailed by the Agent however, this camping was on a temporary basis and is not relevant to consideration of this proposal.
- 8.10 Given consideration to Document 05 and the consultation response from Development Plan, it is considered that the proposal does not harm the designated features of the LLPA. The wooded Cromore Estate is protected as no trees will be removed to facilitate the development with the only tree removal due to the health and condition of the trees. A landscape management plan contains restocking to ensure the conservation of the wooded estate. The landward setting for Portstewart will not be adversely affected by the development. Critical views of the development are from the Bridle pathway but with the bubble domes being modest in scale and the landscaping retained and proposed, there will be negligent impact. There are no views of this development from the road network. The proposal is deemed satisfactory by Historic Environment Division: Historic Buildings in terms of respecting

the setting of Cromore House, which is a listed building and historic monuments.

- 8.11 Whilst it is acknowledged the proposal does not meet the two exceptions detailed under NAP 2016 for development in the Cromore LLPA, the proposal is considered acceptable on balance given the relatively minor development proposed; Development Plan could not sustain an objection to this development on LLPA grounds; designated features of the LLPA are protected; and the tourism, economic, community and environmental benefits this development offers.
- 8.12 The development of this site within this LLPA zoning is considered acceptable as the proposal will not undermine this LLPA designation and will not adversely affect the environmental quality, integrity or character of the designated Cromore LLPA.

Tourism

- 8.13 Policy CTY 1 of PPS 21 Sustainable Development in the Countryside directs that planning permission will be granted for tourism development in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland. These TOU policies have been superseded by PPS 16 so this provides the main policy basis to assess the proposal.

Policy TSM 6 – New and Extended Holiday Parks in the Countryside

- 8.14 A new holiday park will be granted where it is demonstrated that the proposal is a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the holiday park must respect the surrounding landscape, rural character and site context.
- 8.15 The policy also requires that the following seven criteria is met; the site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character; effective integration into the landscape must be secured primarily through the utilisation of existing natural or built heritage; adequate provision is made for communal open space; the layout of caravan pitches/motor

homes is informal and characterised by discrete groupings of units separated through appropriate soft landscaping; the design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing; environmental assets are identified and, where appropriate, retained and integrated in a suitable manner; and mains water supply and sewerage services must be utilised where available and practicable.

- 8.16 The proposal entails 5 No. bubble domes to be positioned on land south west of Cromore House. The reception area and associated parking will be positioned south east of Cromore House. The bubble domes consist of a living area, bathroom and bedroom. The domes will be finished in opaque colour pvc fabric (colour dark green), transparent pvc glazing with a screen fencing – natural hazel wattle. The maximum height of the bubble domes is approx. 3.5m. The reception building includes a reception, office, kitchenette, bin storage, wc and public wc. This building is of modern design with approx. dimensions 12.6m long x 4.3m wide x 3.4m high. The building is to be finished in natural timber cladding (charred) for the walls, a flat roof membrane with standing seam metal fascia (grey/black). Windows and doors are to be aluminium double-glazed frames (grey/black) and rainwater goods are aluminium downpipes (grey/black).
- 8.17 The design of the bubble domes and reception building in terms of scale, massing and materials is considered acceptable. The development is low-rise, contained within a compact site and is utilising existing landscaping to aid integration. The visual impact of this proposal is softened due to the vegetation cover provided by existing trees/landscaping and proposed landscaping.
- 8.18 Adequate amenity areas within holiday parks should be provided for communal open space. These should be approx. 15% of the site area which in this application is approx. 0.14 hectares given the overall size of the site at 0.99 hectares. The proposed bubble domes and reception have a small footprint. Drawing No. 14A shows figures relating to communal amenity space. Area A within the deer fence is 0.30Ha and Area B

outside the deer fence is 0.27Ha totalling 0.57Ha which is above recommended requirements. Other areas can be frequented such as additional woodland/open space within the blue lands under the applicant's ownership. It is considered there is sufficient space for amenity purposes within the proposed layout for this development.

- 8.19 The proposed bubble domes have an informal layout to avoid straight lines and long vistas. Domes are situated in an informal cluster which is softened by existing and proposed landscaping.
- 8.20 The bubble domes will be enclosed by an inner mesh fence. This is a low-key boundary treatment with a design appropriate for a rural/country estate setting. This fence will be set back from the boundary, generally inside the tree line. With wide post spacing and open mesh, the fence will appear to melt into the wooded setting. This amended boundary design is more appropriate for this context and will not harm visual amenity. It is proposed to retain the existing post and wire fencing around the outer boundary of the site, including along the Old Coach Road footpath/bridleway (western boundary).
- 8.21 The application site containing the reception building and bubble domes cannot be viewed when travelling along the Cromore Road due to large separation distances and the screening provided by existing dense vegetation within the Cromore Estate. The site is considered to be well contained in the wider landscape. However, views of the bubble domes will be possible from the Old Coach Road footpath and Bridlepath. It is considered that views are short range and whilst the bubble domes will be apparent, due to their small scale and positioning within a site with existing landscaping, the visual impact will be limited.
- 8.22 Archaeology, Built Heritage features and Natural Habitats within the site are not adversely impacted by this development. For full consideration see sub-headings "Archaeology", "The Built Heritage" and "Natural Heritage".
- 8.23 The site can be connected to the water mains located on Cromore Road. The nearest foul sewers are within the Portstewart settlement and in the future, it may be feasible for NI Water to requisition a sewer extension to the site. Until then,

a private package foul treatment system will be provided. Storm water, which will be minimal given the limited areas of hardstanding compared to soft landscaped areas, will be discharged to the proposed pond and soakaways. NI Water and DAERA: Water Management Unit have no objections to this proposal.

- 8.24 The proposal conforms to the identified criteria (a-g) in Policy TSM 6 of PPS 16 as assessed above and meets the requirements of Appendix 4 – Landscape Design considerations for holiday parks.

Policy TSM 7 – Criteria for Tourism Development

- 8.25 All tourism developments must also comply with 6 design criteria and 9 general criteria set out in Policy TSM 7 of PPS 16. These criteria relate to design, layout, boundary treatment, drainage, crime, compatibility with surrounding land uses, landscape quality and character of the surrounding area, impact on neighbouring amenity, access arrangements, sewage disposal and impact on features of natural or built heritage.
- 8.26 The majority of criteria have already been explored and assessed under paragraphs 8.16 - 8.24 above and are acceptable.
- 8.27 Consideration of criteria (e) is required in terms of ensuring the proposal has been designed to deter crime and promote personal safety. The routes in and out are well-defined and provide convenient movement without compromising security. Access from the public road will only be through the existing estate gate on Cromore Road. Pedestrian access to the Old Coach Road footpath and bridlepath will be by a lockable gate in the perimeter fencing. Internally site gates will be controlled by staff and shut at night. Bubble domes will be orientated so that all access routes and common amenity areas have a degree of overlooking. The site will be contained with adequate lighting. The Old Coach Road footpath and bridlepath is well used by walkers, cyclists and equestrians. This level of use reduces the risk of crime and creates a higher sense of safety. The applicant will ensure the site is well-staffed with

experienced personnel. A night watch person will be employed to maintain a security presence even when the reception is closed.

- 8.28 Consideration of criteria (g) and (h) is required to ensure the proposal is compatible with surrounding land uses and does not harm the amenities of nearby residents.
- 8.29 Cromore House is the closest neighbouring property to this development. Cromore House has planning permission as a Nursing Home albeit vacant. Consideration is still given to this as a viable use. On assessment of the tourism use adjacent to the nursing home use, it was considered bubble domes 6 & 7 were too close to the shared boundary resulting in noise and disturbance concerns given the relatively open boundary.
- 8.30 Amendments were received removing these bubble domes from the layout with the proposed development now for a total of 5. The closest bubble dome is now approx. 23 metres from the shared boundary. These separation distances are considered adequate. Though there will be views between the site and the Cromore house and gardens. It is important to note that the application site is also at a lower ground level than the rear garden of Cromore House. Extra landscaping is proposed along the shared boundary. Drawing No. 02D details Tree and understorey planting to further screen bubble dome area. Additional planting of Mix A and Mix B dense understorey provides landscape buffer along the boundary. This additional planting is considered acceptable as a landscape buffer to help alleviate potential amenity concerns to Cromore House.
- 8.31 The Agent submitted a Noise Management Plan (Doc 06 Rev A). An email dated 28/02/23 from the Agent advises the applicant/operator envisages that the Reception will be open and staffed between 08.00hrs and 22.00hrs daily. During these hours, reception staff will be responsible for enforcing the site rules outlined in the Noise Management Plan. Outside of these hours, a night watch person will be on duty to maintain a security presence and to ensure compliance with the site rules (pages 15 and 34 of the Design and Access Planning Statement refer). The Noise Management Plan advised the following key information:

Noise

Kept to a minimum during 23:00 – 07:00hrs

Deliveries to site between 08:00 – 18:00hrs

Guest check in times 11:00 – 18:00hrs

Regular patrols by staff

No pets

No group bookings for hen/stag parties

Noise complaint policy

Odour

Smoking is not permitted

No campfires or barbeques permitted

Lighting

Downward firing reading lights will be installed in a fixed position which cannot be redirected. Low level sensor lighting will be installed within the bathroom. Wildlife friendly downward firing light with PIR sensor and timers will be implemented along pathways. (See Drawing No. 05A – Lighting layout pathway area)

- 8.32 A Plant Noise Assessment (Doc 07) was also submitted in support of this application. This assesses the risk of adverse impact from noise “pollution” generated by the plant which will be installed at the proposed site. The noise emissions from the proposed plant (which includes the air pumps for the domes and a compressor for the sewage treatment plant) have been conducted using 3D noise modelling software to enable noise levels to be predicted at all residential properties in the surrounding area, the closest of which is Cromore House. Silencers are recommended on the outlet side of the air pumps to reduce noise emissions to an effectively inaudible level at the nearest receptor.
- 8.33 Environmental Health was consulted in relation to this application. Following consideration of the objections received, it is considered that the amenity concerns highlighted could be controlled given the submission of the Noise Management Plan. On consideration of the Plant Noise Assessment, it is accepted that noise levels at the nearest noise sensitive receptor will not give rise to any adverse impacts, subject to the installation of silencers to the air pumps. Environmental Health have no

further objections to this application and recommend several planning conditions, if approval is granted.

- 8.34 The proposal should not adversely harm the residential amenity of Cromore House. The bubble domes will not result in any loss of light or overshadowing to Cromore House given their positioning and small height. There will be an element of some overlooking when visitors are walking through the site, however, when residing in the bubble domes overlooking will be limited given each dome has its own private amenity space surrounded by fencing. The proposal will not result in adverse noise or light pollution to this neighbouring property and this will be controlled by planning conditions.
- 8.35 An objection was received from No. 46 Cromore Road, Coleraine. This property is approx. 336m away from the site boundary. The proposal therefore will not harm their residential amenity in terms of overshadowing, loss of light, loss of privacy, overlooking, noise, disturbance and light pollution given the large separation distance involved.
- 8.36 The proposal is considered acceptable following assessment in relation to Policy TSM 7 of PPS 16.

Visual Impact and Rural Character

- 8.37 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design. Permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.
- 8.38 The design of the bubble domes and reception building in terms of scale, massing and materials is considered acceptable. The development is low-rise, contained within a compact site and is utilising existing landscaping to aid integration. The visual impact of this proposal is softened due to the vegetation cover provided by existing trees/landscaping and proposed planting.
- 8.39 The reception building and bubble domes cannot be viewed when travelling along the Cromore Road due to large separation distances and the screening provided by existing dense vegetation

within the Cromore Estate. The site is considered to be well contained in the wider landscape. The bubble domes would be in view when travelling both directions along the Old Coach Road footpath and Bridlepath. It is considered that views are short range and whilst the bubble domes will be apparent, due to their small scale and positioning within a site with existing landscaping, the visual impact will be somewhat limited. The proposal is not prominent in the landscape and does not harm rural character given the relatively flat topography, the modest size of the bubble domes; and the trees/vegetation within the site which aids screening.

- 8.40 The proposal is considered to visually integrate into the surrounding area with bubble domes and the reception buildings appropriately designed. The proposal complies with Policies CTY 13 & 14 of PPS 21.

The Built Heritage

- 8.41 The application site impacts upon Cromore House, 38 Cromore Coleraine and Cromore Lodge, Cromore Road, Coleraine both of which are listed buildings of special architectural or historic interest. Consultation occurred with HED: Historic Buildings who advised the original proposal would have a significant adverse impact on the setting of Cromore House.
- 8.42 Concerns relate to the densely ringed landscaped area screening the bubble domes situated within. This approach fails to show an understanding of how the demesne landscaping was designed in proximity to the main listed building. There is significant concern regarding the type of boundary fencing being proposed around the main bubble dome site, i.e. 2.5m steel mesh fence. There is concern over the location and detail design of the reception building. This building is proposed to be placed on a difficult location; on the approach to the main house. Therefore, how this building is understood on this approach in the historic context and its integration into a demesne setting needs to be carefully considered.
- 8.43 HED has not been provided with a fully considered assessment that the site adjacent to the listed building is the appropriate location for the proposed bubble domes or that the landscaping

and boundary treatments are appropriate. Additional information was requested – see HED consultation response dated 24th November 2021 for full details.

- 8.44 The Agent submitted amended plans and additional information. For full details please review the Design and Access Statement - Second Addendum with further information as required by HED consultation response (Doc 01 Rev B). Amendments to the original proposal include removal of bubble dome 8; relocation of bubble dome 2; an amended fencing detail; redesign of the reception building; and parking spaces are to be finished in reinforced grass surface instead of bitmac with one accessible parking space to be finished in bound gravel.
- 8.45 HED: HB was re-consulted with amended plans and additional information. HED are now content with this proposal and notes that the information required has been applied and note the comprehensive and well-presented response to previous queries. The proposal has since been amended further from 7 to 5 bubble domes but further consultation with HED: HB was not considered necessary. The proposal, therefore, satisfies paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6.

Archaeology

- 8.46 The site is located within the historic designed landscape of Cromore House, a supplementary site on the Department's Register of Historic Parks, Gardens and Demesnes of Special Historic Interest. Consultation occurred with HED: Historic Monuments. There were concerns with the original proposal, detailed below and substantive amendments are necessary.
- The introduction of the lake as this has no historical basis and would confuse the original design concept
 - The restoration of the meadow parkland as this is historically an area of open parkland
 - The 2.5m high steel mesh fence around the main bubble dome site – fence design should be more sympathetic to the character of the demesne
 - The location of Bubble Domes 1 & 8 – these pods should be relocated north to preserve views from the listed building
 - The location of the reception building may have an adverse impact on the character of the demesne and the designed

experience of the approach along the main drive to Cromore House

- 8.47 The Agent submitted amended plans and additional information. For full details please review the Design and Access Statement - Second Addendum with further information as required by HED consultation response (Doc 01 Rev B). Changes to the original proposal include removal of the lake and replacement with a bog garden; all bubble domes no further forward than the rear building line of Cromore House; removal of bubble dome 8; revised fence design and location; and redesign of the reception building.
- 8.48 HED: HM was re-consulted and advise the previous concerns have been met, and the current proposal will not have an adverse impact upon distinctive elements of the designed landscape. The proposal has since been amended further from 7 to 5 bubble domes but further consultation with HED: HM was not considered necessary. The proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Flooding

- 8.49 Following consultation with DFI Rivers, the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DFI Rivers advised there are no designated watercourses within the site.
- 8.50 DFI Rivers advise the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. From the information provided a Drainage Assessment is not required by policy. The developer should carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development elsewhere.
- 8.51 The Agent provided further information in terms of Drainage within the Design and Access Planning Statement (Doc 01). DFI Rivers was re-consulted and advise the proposed storm system is to be designed using SuDS, in the form of swales and ponds with no discharge outlet point. DFI Rivers cannot comment on the efficacy of the proposed SuDs system, ie. Swales and attenuation pond, as these are outside DFI Rivers area of knowledge and expertise.

8.52 DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. The proposal complies with Policies FLD 1, 2, & 3 of PPS 15.

Access and Parking

8.53 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. This proposal is for 5no. bubble domes for holiday use, including associated reception unit, access, guest and staff parking and landscaping. Access to the site is gained from the unaltered existing estate road entrance on Cromore Road. Old Coach Road will not be used for vehicular access to the site.

8.54 The existing access has the capacity to take the additional traffic generated by this development. The bubble domes will be used on a seasonal basis, with most traffic expected to be generated between March and October. The bubble domes will be fully accessible with level access. Parking is available beside the reception building and there are 10 parking spaces finished in grass mesh and 1 disabled parking space finished in bound gravel. These finishes are acceptable for this location.

8.55 The proposal is acceptable in terms of the access and the car parking provision for this development. DFI Roads was consulted in relation to this application and express no objections. The proposal complies with Policies AMP 1, 2 and 7 of PPS 3.

Natural Heritage

8.56 The application involves two areas of approximately 0.79 and 0.14 hectares along an existing hard surface access lane. The larger area contains an overgrown tarmac surface surrounded by mature trees. Both areas and the access lane contain and are bounded by mature trees. The site includes NI Priority habitat woodland and is likely to support roosting bats, nesting birds and other protected species wildlife.

8.57 Consultation occurred with DAERA: Natural Environment Division. NED required further information such as a wildlife friendly lighting plan, clarification regarding works to trees and details of mitigation measures including a drawing clearly showing the mammal burrow

protection zone. Further information was submitted by the Agent – for full details of this please review the Design and Access Statement (Addendum with further information as required by DAERA consultation response) – Doc 01 Rev A. NED was then re-consulted with this additional information.

- 8.58 NED are now content with the lighting proposed given submission of a revised Lighting Layout Pathway Area drawing. External lighting will be provided by downward-directed ground-mounted bollards, which will only be 700mm high. Light will be concentrated on the path surface and will not spill on trees and other vegetation. NED are now content with the mitigation measures shown (bat boxes, bird boxes, compensatory planting – for full details see paragraph 3.4 of Doc 01 Rev A).
- 8.59 Regarding the mammal burrow protection zone, this has now been shown on plans and will be preserved. It has been inspected over a 10 month period in 2021 and there has been no evidence that the hold is being used by badgers. However, this area will be fully protected throughout the construction phase. NED are now content with this development and recommend approval subject to conditions in relation to badger setts, tree protection and biodiversity mitigation measures.
- 8.60 NED advises that care is taken during the felling of any tree with potential roosting features and should any roosting bats be found during works advice should be sought from the NIEA wildlife team. NED notes that the site contains suitable habitat for breeding birds and considers that site vegetation clearance works should not be undertaken during the bird breeding season.
- 8.61 Consultation occurred with the internal tree officer. It is welcomed that care has been taken to ensure that the trees on site are to be retained as a fundamental part of the development and wider Cromore site with proper consideration of tree issues clearly factored into the design and layout. The scheme will allow for the appropriate arboricultural management of the existing woodland with proposed new native species planting and it is important to note that no trees are to be removed as a result of the development. Further information was requested to aid assessment. A Tree Protection Plan clearly identifying all the trees to be retained/removed as a result of condition, as well as the precise location and type of all protective fencing. A detailed

Arboricultural Method Statement showing the works required by necessity to be within the Root Protection Areas or within the line of protective fencing. Following re-consultation with the internal tree officer, there are no objections to this proposal subject to conditions.

- 8.62 Consultation occurred with Shared Environmental Services. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises that it is eliminated from further assessment because it could not have any conceivable effect on a European Site. HRA Stage 1 screening found no viable environmental pathway from the proposal to any European Site or feature.
- 8.63 Following assessment, the proposal is acceptable in terms of natural heritage interests and is considered to meet the requirements of Policies NH 1, 2 and 5 of PPS 2.

Habitats Regulations Assessment

- 8.64 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.

Other Matters

- 8.65 Objectors have raised several matters as detailed in paragraph 5.1. A meeting with some of the objectors was held and HED Historic Buildings were in attendance. Most concerns raised have been considered throughout this report. However, in relation to the remaining concerns see below:
- Private property disputes – boundaries/access
 - Encroaching on land by guests/residents
- These issues are civil matters that should be addressed by the objector approaching the applicant/developer should permission be granted.

- Disturbance of animals grazing in field

The site is to be closely managed as set out in the sections above relating to noise and amenity.

- Location of the septic tank and sewers not accounted for. The location of the septic tank is shown on the plans and confirmed on the site visit.
- Legal entitlement of the applicant to execute elements of the proposal

This is not a planning consideration. If permission is granted an informative will issue that states it is "...the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development".

- Negative impact on value of future developments

It is not known about future developments, so this is speculative.

- The validity of this application, which has been conveniently limited to 0.99hectares, thereby apparently avoiding the classification as Major development.

It is acknowledged that the total area of the site is 0.99 hectares but according to legislation Major development must be 1 hectare or more. It is not for the Planning Department to question the rationale behind the submission of this application.

- Loss of property value

As set out in Para 2.3 of the SPPS, Planning does exist to protect the private interest of one person against the activities of another.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal meets the requirements of planning policies. The development of this site within Cromore LLPA is considered acceptable as the proposal will not undermine this LLPA designation and will not adversely affect the environmental quality, integrity or character of the designated Cromore LLPA. The design of the bubble domes and reception building in terms of scale, massing and materials is considered acceptable. The proposal is considered to visually integrate into the surrounding area with adequate vegetation cover without harming rural character. The proposal is not considered to create unacceptable

conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.

- 9.2 The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal will not have an adverse impact upon the setting of the nearby listed building – Cromore House. The development is satisfactory to archaeological policy requirements. The proposed development is acceptable from a drainage or flood risk perspective. The proposal has satisfactory access and parking. The proposal is acceptable in terms of natural heritage interests. Approval is recommended.

10 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The proposed development shall be carried out in accordance with the stamp approved Drawing No. 02D bearing the date stamp 15th February 2023.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. The development hereby approved shall be operated and managed at all times in accordance with the Noise Management Plan (Document 06 Rev A, dated 15th February 2023).

Reason: In the interests of residential amenity.

4. The development hereby approved shall be designed, specified, operated and maintained in order that the cumulative rated level of noise from plant and equipment shall not exceed the background level of noise, daytime and night-time and shall achieve LArT(15mins) 20dB at the boundary of the nearest noise sensitive receptor, when measured in accordance with BS 4142:2014.

Reason: In the interests of residential amenity.

5. Noise generating plant and equipment, as prescribed, within Document 07, date stamped, 13th December 2022, shall be permitted to function only with the prescribed acoustic mitigation measures installed and fully functioning. All acoustic attenuation equipment shall conform with the technical data documentation contained within Document 07 and be maintained in accordance with the relevant manufacturers stipulations.

Reason: In the interests of residential amenity.

6. Within 4 weeks of the permitted development becoming operational (unless extended with Causeway Coast and Glens Borough Council) or within 2 weeks of the Council being notified of a reasonable noise complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the permitted development operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the permitted development to demonstrate conformance with the acoustic design standard as per Condition 4. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with the development operating at maximum capacity. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing, at least 2 weeks notification of the date of commencement of the survey shall be provided. The noise survey information shall include detail of any noise limit/s breaches, recommendation of acoustic mitigation required, confirmation of implementation of mitigation measures and evidence of noise limit/s conformance. The noise survey information shall be provided within 1 month of the date of a written request from the Council.

Reason: In the interests of residential amenity.

7. There shall be no site clearance or development activity within 25 metres of badger setts, as shown (on Tree Protection Plan 1 of 2 / Drawing 07B / 20-515 PLG-04/1 date stamped 15th February 2023 and Tree Protection Plan 2 of 2 / Drawing 08 / 20-515 PLG-04/2, date stamped 24 May 2022 by Causeway Coast and Glens Borough Council) until written evidence has been provided to the

Planning Authority that badgers have been excluded and the western most sett has been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

Reason: To protect badgers and their setts.

8. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided at a radius of 25 metres around each badger sett entrance (as shown on Tree Protection Plan 1 of 2 / Drawing 07B / 20-515 PLG-04/1 date stamped 15th February 2023 and Tree Protection Plan 2 of 2 / Drawing 08 / 20-515 PLG-04/2, date stamped 24 May 2022 by Causeway Coast and Glens Borough Council). No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of the Planning Authority/unless an appropriate Wildlife License has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

9. Tree protection and biodiversity mitigation measures shall be installed on site as shown (in Drawing Number DOC 03, date stamped 24 May 2022 by Causeway Coast and Glens Borough Council; and Tree Protection Plan 1 of 2 / Drawing 07B / 20-515 PLG04/1 date stamped 15th February 2023 and Tree Protection Plan 2 of 2 / Drawing 08 / 20-515 PLG-04/2, date stamped 24 May 2022 by Causeway Coast and Glens Borough Council)

Reason: To maintain the biodiversity value of the site.

10. No retained tree, other than those required for the purpose of carrying out development as indicated on the approved Drawings, shall be, cut down, uprooted or destroyed, or have its roots within its root protection area damaged or subject to any soil level changes, without the prior written consent of the Council, other than in accordance with the approved plans and particulars of this application. Development will be taken to include the main

development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees and to the ensure continuity of the landscape amenity afforded by these trees.

11. All Arboricultural work shall be implemented in accordance with the submitted Tree Survey Report by Dr Philip Blackstock (DOC 3) and associated Arboricultural Method Statement and Tree Protection Measures (08 & 09) and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

12. Prior to any development on site, all trees identified to be retained as indicated on the approved Drawings, must have their roots protected, as per the measures detailed in Tree Protection Drawings (07B & 08). The erection of fencing required for the protection of retained trees shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No materials shall be stored or fires lit within these Root Protection Areas in accordance with this condition. The ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, other than in accordance with the approved plans and particulars of this application.

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality

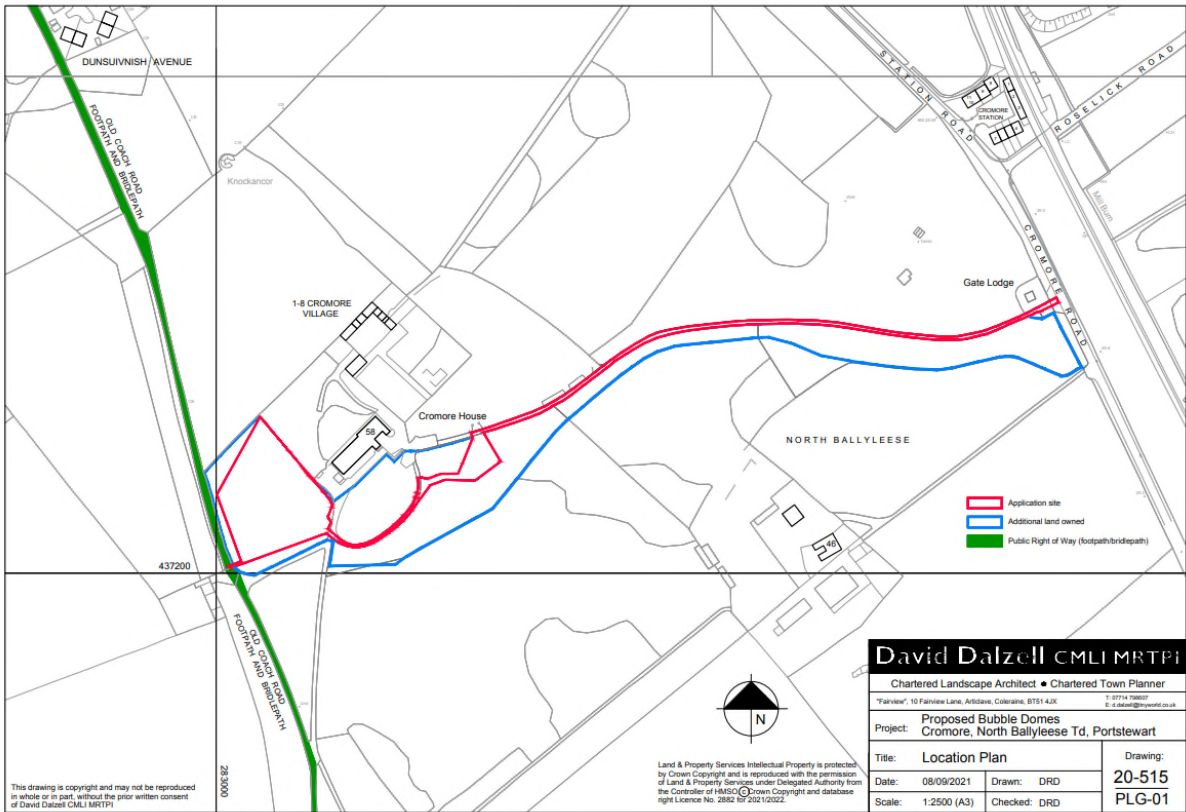
13. The bubble domes hereby permitted shall only be used for holiday accommodation and shall not be used for permanent residential accommodation.

Reason: The site is located within the countryside where development is restricted and this approval is granted solely at this location because of its holiday use/tourist purpose.

11 INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the planning portal through the Consultee Hub:
<https://consulteehub.planningsystemni.gov.uk>

Site Location Map



Block Plan

