

| Title of Report: | Planning Committee Report – LA01/2023/0346/F | | |
|-------------------------------------|---|--|--|
| Committee Report Submitted To: | Planning Committee | | |
| Date of Meeting: | 22 nd May 2024 | | |
| For Decision or For Information | For Decision – Referred Item by Alderman John McAuley | | |
| To be discussed In Committee YES/NO | NO | | |

| 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 |

| Legal Considerations | |
|----------------------------------|----|
| Input of Legal Services Required | NO |
| Legal Opinion Obtained | NO |

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| 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: | | |
| | RNA Required and Completed: | N/A | Date: | | |
| Data Protection Impact | Screening Completed: | N/A | Date: | | |
| Assessment (DPIA) | DPIA Required and Completed: | N/A | Date: | | |

No: LA01/2023/0346/F Ward: Kilrea

App Type: Full

Address: 58 Drumagarner Road, Kilrea, BT51 5TE

Proposal: 2 no. storey and a half ancillary

educational/accommodation/administration blocks and associated landscape/outdoor recreation/wellbeing spaces, and siteworks associated with Hutchinson Engineering

training academy

Con Area: N/A <u>Valid Date</u>: 03/04/2023

Listed Building Grade: N/A

Agent: Manor Architects, Stable Buildings, 30A High Street,

Moneymore, BT45 7PD

Applicant: S. J. C Hutchinson (Engineering) Limited, 58a Drumagarner

Road, Kilrea, Coleraine, BT51 5TE

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Executive Summary

- This proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The application site is within the countryside and is located approximately 1 mile outside the settlement limit of Kilrea.
- The proposal is contrary to paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential in this location and could not be located in a settlement.
- The proposal is contrary to paragraph 3.5 of the SPPS in that it does not demonstrate an inter-relationship between the location of local housing, jobs, facilities, services and infrastructure, therefore is not considered to be a sustainable development.
- The proposal cannot be considered as an expansion of an established economic development use under PPS 4 as it involves residential development.
- No letters of objection have been received in relation to the proposal.
- 1 letter of support has been received in relation to the proposal.
- No objections have been raised by statutory consultees in relation to this proposal.

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Drawings and additional information are available to view on the Planning Portal- https://planningregister.planningsystemni.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 **REFUSE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises an area of land within the curtilage of Drumagarner House. There is currently a 2 storey dwelling and outbuildings on the site. The site is located adjacent to the existing Hutchinson Engineering premises. There is an existing access from Drumagarner Road.
- 2.2 The site is located within the countryside outside any settlement as defined within the Northern Area Plan 2016. The site is not within any specific environmental designations.

3.0 RELEVANT HISTORY

3.1 Application Number: LA01/2023/0554/F

Decision: Permission Refused Decision Date: 19th February 2024

Proposal: Proposed temporary staff accommodation unit

Application Number: C/2003/0378/F

Decision: Permission Granted

Decision Date: 16 November 2004

Proposal: Extension of existing engineering fabrication company to include additional fabrication area, storage area & additional

office accommodation

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Application Number: C/2010/0290/F

Decision: Permission Granted

Decision Date: 13 September 2010 Proposal: Extension to existing factory.

Application Number: LA01/2023/0566/F

Decision: Permission Granted

Decision Date: 18 September 2023

Proposal: Proposed change of use from dwelling to HMO

Application Number: LA01/2023/0864/F

Decision: Permission Granted
Decision Date: 14 December 2023

Proposal: Proposed change of use from dwelling to HMO

4.0 THE APPLICATION

4.1 2 no. storey and a half ancillary educational/accommodation/administration blocks and associated landscape/outdoor recreation/wellbeing spaces, and siteworks associated with Hutchinson Engineering training academy.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

1 letter of support has been received in relation to the proposal. This letter states that approval of the application is crucial if the company is not only to expand, but to sustain their current employment and position within this marketplace, which is extremely competitive. Whilst the economic and employment benefits are a consideration, this specific application is considered to be contrary to Policy CTY 1 of PPS 21.

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5.2 Internal:

Dfl Roads: No objections

Environmental Health: No objections

Historic Environment Division: no objections

NI Water: No objections

NIEA Water Management Unit: No objections

NIE Networks: 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.

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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 7 – Quality Residential Environments

PPS 15 – Planning and Flood Risk

PPS 21 – Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the countryside outside the settlement limit of Kilrea.
- 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: principle of development, integration and rural character, economic development; quality residential environment; access and parking, and archaeology and built heritage.

Principle of Development

8.3 There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to

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integrate sympathetically with their surroundings and to meet other environmental and planning considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

- 8.4 The proposal includes shared accommodation. The application site is located approximately 1 mile from Kilrea where there are existing accommodation options available. The accommodation proposed (4 no. 2-bedroom twin rooms) is likely to be readily available in settlements within close proximity such as Kilrea, Upperlands, Swatragh or Ballymoney etc. This would provide a link between residential accommodation and local facilities, services and transport infrastructure in keeping with the principles of planning and the SPPS. The Hutchinson Engineering site is located on the main road between Kilrea and Upperlands which is likely to have transport links such as a local bus service. The factory is also in relatively close proximity to the settlement. A public footpath is located on the opposite side of the road to the site, which runs the whole way into Kilrea. This provides an opportunity to walk or cycle to the site. It is approximately a 25 minute walk or a 7 minute cycle from Kilrea to the site. Provision of accommodation within a settlement is considered to be a more sustainable option as it encourages a better work-life balance. It is commonplace that people have to commute to their place of work.
- 8.5 Policy CTY 1 of PPS 21 permits housing development for 'individual dwelling houses' under a number of exceptions. As the proposal is not for an individual dwelling it does not fall to be considered under any of these exceptions. The principle of development is considered unacceptable as there is no provision under Policy CTY 1 for this type of development.
- 8.6 Paragraph 3.5 of the SPPS states;

Housing, by way of example, is recognised as a key driver of physical, economic and social change in both urban and rural areas. In furthering sustainable development, it is important to manage housing growth in a sustainable way, placing particular emphasis on the importance of the inter-relationship between the location of local housing, jobs, facilities and services, and infrastructure. It is similarly important to successfully integrate

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- transport and land use generally in order to improve connectivity and promote more sustainable patterns of transport and travel.
- 8.7 The proposed development comprises shared accommodation for apprentices. Each block contains two twin (shared) bedrooms with ensuite bathrooms along with associated learning and office space. There are no kitchen facilities located within either accommodation block. The application has been subject to four sets of amended plans. Originally the plans showed a 28 bed accommodation space and then was subsequently reduced to 16 bed and then space for 8 beds (current proposal). It is the principle of this type of development which is considered unacceptable, regardless of the scale of accommodation provided.
- 8.8 The proposal is located in the countryside adjacent to the Hutchinson Engineering factory. The proposal is located approximately 1 mile outside the settlement limit of Kilrea. The provision of accommodation within the settlement limit is considered a more sustainable option given the availability of facilities and services within the settlement which provides a better work-life balance. It is considered that the erection of new buildings in the countryside to provide shared living accommodation is not a sustainable option and would be contrary to paragraph 3.5 of the SPPS.
- 8.9 The proposal is contrary to the fundamental principles of planning and the SPPS. The SPPS states that the planning system should proactively and positively facilitate development that contributes to a more socially, economically and environmentally sustainable NI (paragraph 2.1). The aim should be to create well-linked, mixed-tenure neighbourhoods with opportunities to share access to local employment, shopping, leisure and social facilities (paragraph 4.16).

Integration and Rural Character

8.10 Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. The proposal comprises two 1½ storey buildings with a ridge height of 6.8 metres. Proposed finishes

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include natural stone cladding to the front and right-side elevations and smooth self-coloured render walls to the rear and left side elevations. The roof finish will be blue/black/grey slate. The proposed buildings will be located to the rear of an existing two-storey dwelling. The buildings are set back from the Drumagarner Road within an existing courtyard. The Hutchinson Engineering factory is located to the south of the proposed buildings. Views of the proposed buildings will be limited travelling north-east on Drumagarner Road due to the surrounding topography and existing buildings on site. The buildings will be viewed travelling south-west on Drumagarner Road. However, the buildings are set back from the road and will be viewed against the existing factory building which is of a much larger scale than the proposal. The existing access which serves the existing dwelling will be used to serve the proposal. A planting plan has been submitted which indicates the retention of existing hedgerows and proposed new tree planting to boundaries which will assist with the integration of the buildings.

Policy CTY 14 of PPS 21 states that planning permission will be 8.11 granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. The proposal comprises two 1½ storey buildings which are located within the curtilage of an existing dwelling. The buildings are set back from the road and are adjacent to the Hutchinson Engineering factory. The critical view is travelling south-west on Drumagarner Road. As the buildings will be visually linked with the existing dwellings on site and the factory, it is not considered that these will appear prominent in this location. The buildings are set back from the road and the proposed finishes are in keeping with the listed building to the front of the site. The adjacent factory is industrial in scale and nature and has an established visual presence in this area. Therefore, it is not considered that the proposal will cause a detrimental change to, or further erode the rural character of the area.

Economic Development

8.12 Policy PED 3 of PPS 4 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does

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- not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.
- 8.13 Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.
- 8.14 The proposal is for two new buildings which comprise shared accommodation for apprentices along with a learning space/classroom and offices. A supporting statement has been submitted with the application which considers that the proposed development is evidently associated with an established economic development use (Hutchinson Engineering Ltd) in the countryside. The agent has considered the proposal under Policy PED 3 of PPS 4. As the proposal includes residential accommodation, it is not considered to be an expansion of an established economic development use and therefore cannot be considered under Policy PED 3.
- 8.15 The preamble to PPS 4 outlines that economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business' uses of the Planning (Use Classes) Order (NI) 2015. These include Class B1: Business, Class B2: Light Industrial; Class B3 General Industrial and Class B4: Storage and Distribution. The proposed development, in its entirety, does not fall within these use classes and therefore cannot be considered under PPS 4.

Quality Residential Environments

8.16 As set out at Paragraphs 8.5 and 8.8 above, the principle of development is unacceptable. The preamble to PPS 7 Quality Residential Environments states that "The policies contained in this Statement apply to all residential development proposals with the exception of proposals for single dwellings in the countryside...." Therefore, PPS 7 is relevant to consider the detail of the proposal, distinguishable from the principle.

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Proposals for new residential development should comply with the criteria set out within this policy;

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- 8.17 The proposal is for two 1½ storey buildings which each comprise 4 shared bedrooms and office/training area on the ground floor and a learning space/classroom on the first floor. The proposed development is located within the curtilage of Grade B2 listed Drumagarner House which is a dwelling and has recently obtained permission for use as a House in Multiple Occupancy (HMO). There is an existing outbuilding located north of the application site which has also recently obtained permission for use as a HMO. The proposed accommodation blocks are located within the countryside. The proposal is located adjacent to the existing Hutchinson Engineering factory. The proposal will use the existing access to Drumagarner House and will make use of existing open space within the site. Given the nature and location of the proposed development it is considered that the proposal respects the surrounding context.
 - (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- 8.18 The site is located within the curtilage of Drumagarner House, which is a Grade B2 listed building. Historic Environment Division was consulted and have no objections subject to a condition.
 - (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

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- 8.19 The proposal comprises shared accommodation for apprentices based at the existing Hutchinson Engineering factory. The proposal is located within the curtilage of an existing dwelling and is adjacent to the factory. There is no private amenity space provision for the proposal. Given the nature of the proposal, it is considered that communal open space would be acceptable. The site plan indicates the provision of a shared wellness courtyard and outdoor recreational space which is located within the curtilage of Drumagarner House. As a guide, Paragraph 5.20 of Creating Places states that, in the case of apartment or flat developments, communal open space should range from a minimum of 10sqm per unit to around 30sqm per unit. The level of communal open space indicated on the plans would fall within this range and therefore is considered acceptable.
 - (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- 8.20 Given the small scale of the proposal, the developer is not required to make provision for local neighbourhood facilities as an integral part of the development. Local facilities are located within Kilrea.
 - (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- 8.21 Given the scale of the proposal, the developer is not required to provide a movement pattern.
 - (f) adequate and appropriate provision is made for parking;
- 8.22 The application form states that there will be an expected increase of 2 staff vehicles and 6 visitor/customer vehicles. The proposed site plan indicates parking space within the curtilage of the existing dwelling at 58 Drumagarner Road. There is also an existing staff

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car park adjacent to the Hutchinson Engineering factory. Given the nature of the proposal, it is considered that the proposed parking provision is adequate. Dfl Roads was consulted and have not raised any issues relating to parking.

- (g) the design of the development draws upon the best local traditions of form, materials and detailing;
- 8.23 The proposal comprises two 1½ storey buildings with a ridge height of 6.8 metres. Proposed finishes include natural stone cladding to the front and right-side elevations and smooth self-coloured render walls to the rear and left side elevations. There are 3 dormer windows proposed to the front and rear of both buildings. The roof will be blue/black/grey slate. The proposed design and materials are considered to be generally acceptable. HED was consulted to consider the impact of the proposal on the listed building and are content that the design and materials noted on the plans are appropriate to maintaining the character, appearance and setting of the listed building.
 - (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;
- 8.24 The proposal comprises shared accommodation for apprentices of Hutchinson Engineering with associated learning/classrooms. The proposal is located within the curtilage of an existing dwelling at 58 Drumagarner Road. There is a smaller dwelling within the curtilage at No. 58. Both existing dwellings have recently obtained approval for change of use to a HMO. Given the approved uses on site and the relationship with the existing Hutchinson Engineering factory, it is not considered that the design and layout will create conflict with adjacent land uses. There are no third-party residential dwellings adjoining the proposal which the proposal could be considered to have an unacceptable adverse effect in terms of overlooking or overshadowing. The proposal is residential with indoor learning space. The Environmental Health department was consulted and have not raised any concerns regarding noise. It is considered that

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the proposal is unlikely to have any adverse impact on existing or proposed properties.

- (i) the development is designed to deter crime and promote personal safety.
- 8.25 The development has been designed to deter crime and promote personal safety.

Access and Parking

8.26 Policy AMP 2 of PPS 3, Access, Movement and Parking, states that planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. The proposal involves the use of an existing, unaltered access to the public road. Dfl Roads was consulted and have no objections to the proposal subject to conditions.

Archaeology and Built Heritage

- 8.27 Policy BH 11 of PPS 6, Planning Archaeology & the Built Heritage relates to development affecting the setting of a listed building. This policy states that the Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:
 - (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
 - (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
 - (c) the nature of the use proposed respects the character of the setting of the building.

The proposal is located within the curtilage of Drumagarner House, which is a Grade B2 Listed Building. Historic Environment Division (Historic Buildings) was consulted and advise that they are content that the proposal satisfies the policy requirements of SPPS paragraph 6.12 and Policy BH11 of PPS 6 subject to a condition

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ensuring that all works, materials and finishes shall be as noted on the information provided.

Other Matters

8.28 Amended plans were submitted by the agent following the referral request of 14th February 2023. The amended plans removed all reference to the shared accommodation from both proposed buildings and the floor plans. The floor plans were amended to show uses as offices; meeting area and learning/conference space. As the amended plans are manifestly different to the originally submitted proposal these plans cannot be considered under this planning application and would require the submission of a new application.

Habitats Regulations Assessment

8.29 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016, SPPS and other material considerations. The proposal is considered to be contrary to paragraph 3.5 of the Strategic Planning Policy Statement for Northern Ireland in that it does not demonstrate an interrelationship between the location of local housing, jobs, facilities, services and infrastructure, therefore is not considered to be a sustainable development. The proposal is contrary to Policy CTY 1 of PPS 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement limit.

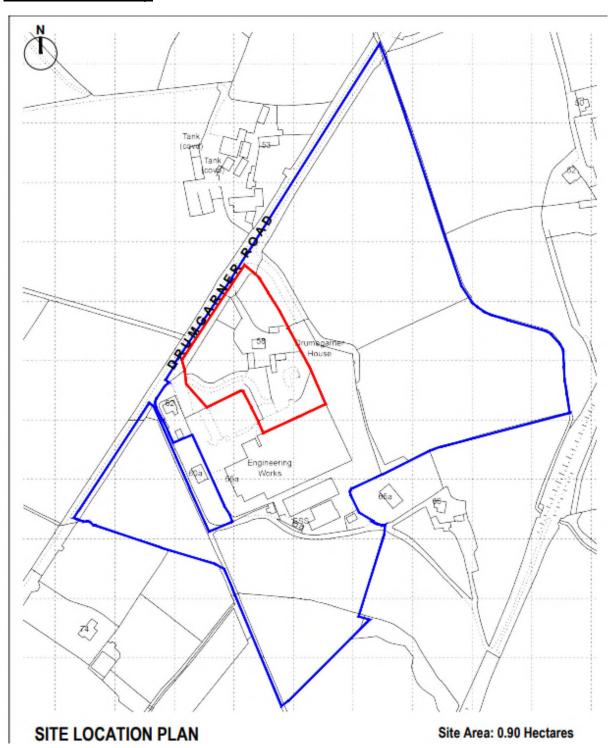
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10 REFUSAL REASONS

- The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development is essential in this location and could not be located in a settlement.
- 2. The proposal is contrary to paragraph 3.5 of the Strategic Planning Policy Statement for Northern Ireland in that it does not demonstrate an inter-relationship between the location of local housing, jobs, facilities, services and infrastructure, therefore is not considered to be a sustainable development.

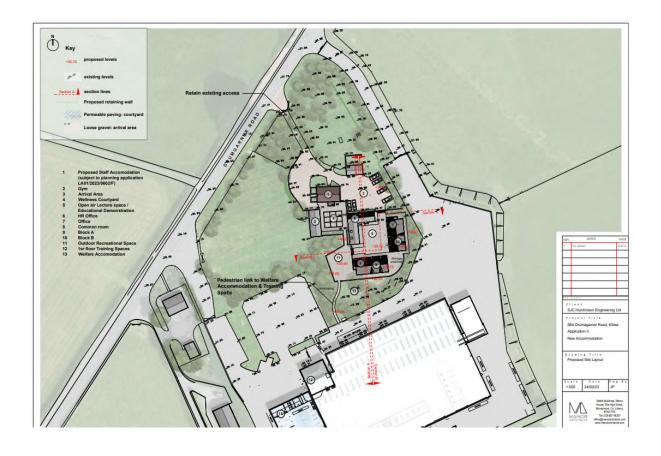
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Site Location Map



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Proposed Block Plan



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Proposed Floor Plans





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Referral Request

From: John McAuley < john.mcauley.dup@gmail.com >

Sent: Wednesday, February 14, 2024 9:18 AM

To: Planning < Planning@causewaycoastandglens.gov.uk>

Subject: RE: LA01/2023/0346/F 2 no. storey and a half ancillary educational/accommodation/administration blocks

Good Morning

Please find detailed below my reasons for requesting that Planning Application LA01/2023/0346/F be called in for decision by the planning committee.

The reason for refusal is that the principle of development is not considered acceptable. In relation to policy context, please refer to correspondence issued to Planning in the attached letter dated 02.10.23.

It is our view that the proposal complies with PPS4. The expansion of an established economic development use is covered by Policy PED3. Policy PED3 of PPS4 states that "the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise". The amplification text emphasises that it is important to carefully weigh the advantages to the rural economy of job creation or an improved industrial/business facility against the potential for an adverse impact on the rural environment.

All consultees have responded in support of the application and no objections received.

The proposed accommodation blocks will be ancillary to the business and will provide additional accommodation for the Training Academy which already operates on site and uses existing facilities including canteen, gym and meeting rooms. The staff accommodation is for short stay accommodation between 6-18months with some accommodation required for shorter periods for training events.

Kind Regards

John McAuley

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