

<b>Planning Committee Report Item</b>	<b>27<sup>th</sup> March 2019</b>
<b>LA01/2017/0765/F</b>	
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	<b>LA01/2017/0765/F</b>	<b><u>Ward:</u></b>	<b>Castlerock</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>80m North of 6 Burrenmore Road, Castlerock</b>		
<b><u>Proposal:</u></b>	<b>Proposed conversion and reuse of a former concrete reservoir into a private residential dwelling</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>08.06.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Agent:</b>	<b>20/20 Architects</b>		
<b>Applicant:</b>	<b>Eamon Devlin</b>		
<b>Objections:</b>	<b>1</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

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

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site consists of a plot of land adjacent to the roadside on Burrenmore Road, Castlerock. It is surrounded by mature natural woodland within the Binevenagh Area of Outstanding Natural Beauty. Burrenmore Road slopes down from the west past the site to the east. The site has a frontage onto the road which is screened by vertical tin sheets coloured green. On the site there is evidence of an underground redundant reservoir. The only evidence of this is a concrete pad in the centre of the site and with a drop in ground levels to the east. Only the side part of the underground concrete structure is visible. There is also another standalone, rectangular stone building measuring 19 x 7 metres located in the southern corner of the site. Otherwise the site is covered in wild vegetation.
- 2.2 The site is located within the Binevenagh Area of Outstanding Natural Beauty as defined within the Northern Area Plan.

## **3.0 RELEVANT HISTORY**

There is no relevant history.

## **4.0 THE APPLICATION**

- 4.1 Planning permission is sought for conversion and reuse of a former concrete reservoir into a private residential dwelling.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External**

There is one objection to the proposal with road safety concerns.

### **5.2 Internal**

**DFI Roads:** Amendments required.

**Environmental Health:** No objection subject to informatives.

**NI Water:** No objections

**Natural Environment Division:** Concerns that the proposal would have an adverse impact on Protected Species. Insufficient information submitted to date.

## **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 3 Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

PPS 2: Natural Heritage

**Supplementary Planning Guidance**

Building On Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The site is located within the Binevenagh Area of Outstanding Natural Beauty as defined by the Northern Area Plan 2016.
- 8.2 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.3 The main considerations in the determination of this application relate to: the principle of the proposed development; Natural heritage; access and other matters.

## Principle of development

8.4 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 was submitted as a conversion and re-use of a former concrete reservoir into a dwelling and therefore falls to be assessed against the SPPS and Policy CTY 4 of PPS 21.

## SPPS

8.5 The SPPS specifically refers to the conversion of existing buildings in the countryside into residential use under Paragraph 6.73 it states:

*‘The conversion and re-use of existing buildings for residential use: provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy;’*

8.6 The SPPS takes precedence over PPS 21. As set out in Paragraph 1.12 of the SPPS ‘Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.’

8.7 A similar precedent appeal on this matter which was dismissed is 2015/A0232 (LA10/2015/0410/F) whereby the commissioner stated in the decision dated 27<sup>th</sup> June 2016: The matter of

potential conflict arising between the SPPS and retained existing policies is addressed in Paragraph 1.12 of the SPPS. It states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessments of individual planning applications. The weighting direction in the SPPS indicates that 'locally important building' must take precedence in the first instance over any criteria contained in Policy CTY4 of PPS21.

- 8.8 The proposal is for conversion and re-use of an existing underground redundant reservoir structure which we would not consider to be a building of local importance. Supporting information submitted during processing of the application referred to the reservoir as being of historic intrinsic value to the local community as it provided both fresh drinking water and sanitation to residences nearby. It is considered that rather than being of historic value, this is a utility building providing a function, of which there are many throughout the countryside. The SPPS lists a number of examples of locally important buildings such as former school houses, churches and older traditional barns and outbuildings. These examples would generally have some design, architectural merit or historic merit. The existing reservoir building is underground with no visual aspect in the local landscape and is therefore not considered to be locally important as envisaged by the policy. A Planning Appeal (ref. 2017/A0185) was dismissed by the PAC as the commissioner considered that due to the lack of visual prominence of the building within its landscape, it was difficult to consider it as locally important. The proposal fails to meet the policy test as it has not been demonstrated that the existing building is of local importance.

### **PPS 21, Policy CTY 4 – The Conversion and Reuse of Existing Buildings**

- 8.9 Policy CTY 4 states that planning permission will be granted to proposals for sympathetic conversion of a suitable building to a dwelling provided all the following criteria are met:

(a) *the building is of permanent construction;*

8.10 The building is of permanent construction. This criterion of the policy has been met.

*(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 or appearance of the locality;*

8.11 The existing structure is an underground concrete structure, previously used as a reservoir tank. The new proposal incorporates the underground structure within the design only with a stair link to one side but visibly, in essence it will mainly consist of a new building constructed on top and from the critical view from the passing public road it will appear as a new single storey dwelling. The underground structure is not visible from the roadside and is not of a form or of significant architectural style which would merit retention. The proposed addition of the first floor extension would not enhance the existing building. The proposal fails part (b) of Policy CTY 4.

*c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;*

8.12 The new extension consists of a new single storey building constructed above the underground structure and it would not appear to be sympathetic to the existing building. It is currently an underground concrete structure of which there is no visual awareness of from the public road. The new extension incorporates a new building above ground with black coloured corrugated fibre cement cladding throughout for the walls and roof, which is not sympathetic or in keeping with the existing structure. In terms of scale and massing, again the new proposal is not sympathetic as it will be double the size of the existing structure. The existing underground tank is 9.5 m x 9.5 m however the new building to be built above it will be 17.6 metres long by 5.1 metres wide. Due to the subterranean nature and small scale of the building it is not of a size that can appropriately be converted to residential use without the need to provide large extensions

which is contrary to policy. The proposal fails part (c) of Policy CTY 4.

*(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;*

8.13 The amenities of nearby residents will not be affected due to the separation distance. The proposal meets part (d) of Policy CTY 4.

*(e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;*

8.14 This is not applicable as it is proposed residential use. The proposal meets part (e) of Policy CTY 4.

*(f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality;*

8.15 Services can be provided without significant adverse impact. The proposal meets part (f) of Policy CTY 4.

*(g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;*

8.16 DFI Roads have requested amendments which have not been formally requested as the principle of development was not considered acceptable. At this stage the information is not accurate and may have road safety implications. One objection has been received on the application citing road safety issues. In the absence of these amendments the proposal fails to meet part (g) of Policy CTY 4.

### **Access and parking**

8.17 Policy AMP 2 Access to Public Roads states that permission will be granted for a development involving direct access onto a public road where such access will not prejudice road safety or



inconvenience the flow of traffic. DFI Roads, as the competent authority, would advise that the visibility splay on the north-east side of the access should be drawn to the tangent point i.e. 39 metres from the centre of the access. DFI Roads would advise that the forward visibility splay note should read “50m forward visibility splay”. One objection has also been received with regards to road safety issues. Therefore, as the existing drawings are not accurate the proposal would be judged as having potential to prejudice road safety. The proposal fails to meet Policy AMP 2 of PPS 3.

### **Natural Heritage**

- 8.18 DAERA Natural Environment Division (NED) advise that the woodland surrounding the site may contain badger setts which may be within 25 metres of the proposed development. Badgers and their places of refuge are protected at all times under the Wildlife (NI) Order 1985 (as amended). The watercourse located within 50 metres of the proposed development may support otters and an otter holt may be within 30 metres of the development. Otters are a European Protected Species under the Conservation (Natural Habitats, etc) Regulations (NI). A Bat Roost Potential Survey is required to assess the potential for the building or other structures, to support roosting bats. Bats are a European Protected Species under the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and are subject to a strict level of protection. In light of this, NED have requested a preliminary ecological appraisal to identify habitats and protected or priority species which may use the site. The required information for full assessment was requested from the agent but has not been submitted.
- 8.19 NED advise that in the absence of further information, the proposal would be contrary to the Habitats Regulations, Planning Policy Statement 2 and the SPPS.

### **Rural character of AONB**

- 8.20 Within Planning Policy Statement 2 - Natural Heritage, Policy NH 6 - Areas of Outstanding Natural Beauty states Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and additional criteria must be met.

8.21 Under the first criteria part (a) of policy NH 6 of PPS 2 the siting and scale of the proposal must be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The overall scale of the proposal is almost twice as large as the existing underground structure and this is more apparent as the existing underground tank is not visible from the public road. Due to the critical view from along the road frontage the proposal will not appear sympathetic to the special character of the AONB and therefore does not meet this test of policy.

8.22 Under the third criteria part (c) of policy NH 6 of PPS 2 the proposal must respect the local materials, design and colour. The proposal does not respect local materials, in that the finish material for the roof and walls is of one material, namely black corrugated fibre cement cladding and this is not common in this area of the AONB. The proposal does not respect the local materials, design and colour and it is therefore contrary to Part (c) of Policy NH 6, PPS 2.

## **9.0 CONCLUSION**

9.1 This proposal is contrary to the SPPS, PPS 21, PPS 2 and PPS 3. It has not been demonstrated that the existing building is of local importance as required by the SPPS. The proposed development is unsympathetic to the existing building and will not enhance or maintain the existing form. It is contrary to PPS 2 as it may cause harm to protected species and it is not sympathetic to the AONB. It is also contrary to PPS 3 as the roads access detailing is not accurate. As this proposal fails to meet the relevant policy in the SPPS and PPSs', refusal is recommended.

## **10.0 Refusal Reasons:**

10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy CTY 1 and CTY 4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the existing building to be converted is not a locally important building; the new extensions are not sympathetic to the scale

and massing of the existing building and the conversion does not maintain or enhance the form of the existing building.

- 10.2 The proposal is contrary to paragraph 6.179 and 6.180 of the SPPS and Policy NH 2 and NH 5 of Planning Policy Statement 2 Natural Heritage, in that insufficient information has been submitted to assess the impact on bats, otters and badgers.
- 10.3 The proposal is contrary to paragraph 6.186 of the SPPS and Policy NH 6 of Planning Policy Statement 2 Natural Heritage, in that the siting and scale of the proposal is not sympathetic to the character of the Area of Outstanding natural beauty and proposal does not respect local materials.
- 10.4 The proposal is contrary to policy AMP2 of Planning Policy Statement 3 Access, Movement and Parking, in that the access will prejudice road safety.

