

Planning Committee Report LA01/2018/0037/O	24th October 2018
PLANNING COMMITTEE	

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

<u>No:</u> LA01/2018/0037/O	<u>Ward:</u> DUNDOOAN
<u>App Type:</u> Outline Planning	
<u>Address:</u> Site between 24 and 34 Agherton Road, Portstewart.	
<u>Proposal:</u> Proposed site for new detached dwelling and garage	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 28.12.2017
<u>Listed Building Grade:</u> N/A	
Agent: Kevin McClelland Architects Ltd	
Applicant: Mr Stephen McCann	
Objections: 0	Petitions of Objection: 0
Support: 1	Petitions of Support: 0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located between 24 and 34 Agherton Road, Portstewart. The site access consists of a laneway with 2 large white pillars at a height of approximately 1.5m. The boundary treatment along the laneway consists of approximately 2.5m high hedging. Directly adjacent to the site is No. 24 which consists of a single-storey dwelling. The property at No. 22 Agherton Road is a grade B2 listed building and is a one and a half storey Georgian cottage, pre-dating 1830. The listed property is asymmetrical arranged and is a three-bay detached rubblestone Georgian design.
- 2.2 The site consists of an open grass area and there appears to be a static caravan to the eastern boundary of the site. The boundary treatment to the northern boundary consists of mature trees and vegetation. The western boundary consists of mature trees.
- 2.3 The site is within the defined countryside area as zoned under the Northern Area Plan 2016. The site falls within the Cromore local landscape policy area (Portstewart) and is located in close proximity to listed premises.

3 RELEVANT HISTORY

There is no relevant planning history on the site itself. A search of the immediate surrounding area showed:

C/1999/0025- 32 Agherton Road, Portstewart- Erection of 2-storey farm dwelling- Approval granted: 10.03.1999.

C/1999/0431/O- 32 Agherton Road, South Ballyleese, Portstewart, Northern Ireland, BT55 7PJ- Site for replacement dwelling- Approval granted: 16.08.1999.

4 THE APPLICATION

- 4.1 Outline planning permission is sought for a new detached dwelling and garage.

5 PUBLICITY & CONSULTATIONS

5.1 External

One letter of objection was receipted on the application. This was rescinded on 19/09/2018 on the basis that it was a misunderstanding by the Planning Department that the content constituted an objection. There are now no objections to the proposed development.

One letter of support was received on 24/09/18. This argues that: the proposal is located within a cluster; the site is enclosed by “titles” of nos. 22 and 24; the recreation building at the caravan site has been made available for community use and; the proposal is acceptable in terms of rural character. The representation further states that: the site is outside Cromore House Historic Park; there are family ties to the area and; consultees have no objection.

5.2 Internal

DFI Roads has no objections subject to conditions.

NI Water has no objections subject to informatives.

Environmental Health Services was consulted in relation to the scheme and offered no objections subject to informatives

HED- Protecting Historic Monuments and Buildings offered no objections to the development subject to conditions

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations.

Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- 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) 2015

The Regional Development Strategy 2035

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, visual integration; rural character; impact on built heritage and; the acceptability of the development on the Cromore Local Landscape Policy Area.

Principle of Development

8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The scheme is for a new dwelling and garage proposed according to the agent within an existing cluster of dwellings and therefore the proposal will be considered in relation to policy CTY2A.

8.3 Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

- the cluster appears as a visual entity in the local landscape;

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

- development would not adversely impact on residential amenity.

8.4 The proposed dwelling lies outside a farm. However, it does not fall within a cluster of development which consists of four or more buildings. The site is located off the Agherton Road adjacent to the Ballyleese Caravan Park. No 20 is located 80m away from the application site and No. 34 is separated by an access into the Ballyleese Town and Country Caravan Park. The development is not within a cluster of 4 or more buildings in which 3 are dwellings. The centre of the site is located 50m away from No. 24 Agherton Road, 60m away from No. 22 Agherton Road, 70m from No. 34 and 100m away from No. 20 Agherton Road. The Kiltinney Road is located approximately 290m away from the application site.

8.5 The cluster is not a visual entity in the local landscape. No. 34 Agherton Road is visible from the main Road, but is not visible from

the application site due to the existing screening on site. The application site is located up a laneway 60m from the existing road. The existing development does not give the appearance of a visual entity in the local landscape.

- 8.6 There is no focal point such as a community building or social facility at this location. The building which the applicant has indicated as the focal point is part of the Ballyleese Caravan Park which is a commercial business rather than a community facility. The site is not located at a cross roads and the Kiltinney Road is located approximately 290m away from the site. The Kiltinney cross roads is removed from the site.
- 8.7 The proposed dwelling is not enclosed by Nos 24 or 34 Agherton Road. No. 24 is located 50m from the centre of the site. No. 34 is separated by an access road into the Ballylesse Town and Country Caravan Park. No. 34 is located approximately 40m away from the application site. The site does have good boundary treatment. However, it is not bounded on any sides by other development and is not within a cluster of development.
- 8.8 It is considered that a dwelling cannot be absorbed into the existing cluster on site as there is no existing established cluster of development which presently exists. The proposed dwelling would detract from the character of the area and will visually intrude into the open countryside. The proposed scheme does not comply with this element of policy.
- 8.9 The proposed development will not affect the residential amenity of the adjacent sites, due to large separations distances. It is 50m away from No. 24 and 40m away from No. 34.

Visual Integration

- 8.10 Policy CTY 13 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.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or

- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.11 A new dwelling on the site would not be a prominent feature as views of the site would be limited. There is existing mature vegetation to the north, east and western boundary. As this is an outline application, there are no further details of the design at this stage. The proposal could be visually integrated into the surrounding landscape. The proposed could comply with policy CTY13. Notwithstanding this, the principle of a dwelling on the site remains unacceptable.

Policy CTY 14- Rural Character

8.12 Policy CTY 1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. As the proposal would fail to comply with any of the exceptions identified under Policy CTY1 it is considered that this development will add to the erosion of the rural character of the countryside at this location. Therefore the proposal is contrary to Policy CTY 14.

Built Heritage

8.13 In their consultation response of 28/3/18 Historic Environment Division indicated that the application site is in proximity to HB03/07/012: 22 Agherton Road, Portstewart, a Grade B2 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.

8.14 HED: HB is content the proposal satisfies the policy requirements of paragraphs 6.12 & 6.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions.

8.15 There are no known archaeological features on the site.

Local Landscape Policy Area

8.16 The site falls within the Cromore Local Landscape Policy Area.

Designation PTL 01, Cromore LLPA applies

The policy states that:

Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below.

1. The Cromore estate is one of the few well wooded areas close to the North Coast.
2. It forms a most attractive landward setting for Portstewart.
3. There are also a number of Listed Buildings within the LLPA.
4. 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.

8.17 The policy states that within this LLPA there will be a presumption against new development. However, favourable consideration can be given to the extension and conversion of existing buildings of historic merit. Favourable consideration may also be given to the extension of existing tourism facilities providing the integrity and quality of the LLPA is not adversely affected as required under Policy ENV 1 of the Plan.

8.18 As the policy specifies a presumption against new development in the LLPA, the proposal does not comply.

PPS 3, DCAN 15 - Vehicular Access Standards, Parking Standards.

8.19 PPS 3 puts emphasis on accessibility and road safety. This application will make use of an existing access point for the proposed dwelling. DFI Roads has no objections to the scheme provided that a detailed site survey of the site and proposed access is submitted under the reserved matters application. The proposed scheme is in accordance with guidance set out under Planning Policy Statement 3.

Consideration of representations

8.20 The Planning Committee Report sets out how the site is not considered to be located within a cluster. The “titles” of other properties is not pertinent to the policy test of the site needing to be bound by other development in the cluster.

While the recreation building at the caravan site may be used for occasional community use, its primary purpose is as a commercial building. Therefore it is not considered to constitute a community building to meet policy requirements.

While the site is outside the Cromore House Historic Park, it is located within the Cromore Local Landscape Policy Area where there is a presumption against new development.

The proposal is considered to harm rural character by adding a further dwelling outside any existing cluster of development.

Family ties to the immediate area are a material consideration apportioned limited weight.

While consultees do not object, there are clear planning policy reasons to refuse the development.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with Policy CTY2a of PPS 21. The proposal would further erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21. Furthermore, the proposal is located within the Cromore Local Landscape Policy Area where there is a presumption against new development. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this

development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Paragraph 6.69 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the proposed site is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; there is no cluster at this location which appears as a visual entity in the local landscape; it is not associated with a focal point and is not located at a cross-roads and; the dwelling will, if permitted, visually alter rural character.
3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, in that the proposed dwelling will add to the erosion of the rural character of the countryside at this location as it results in a suburban style build-up of development when viewed with existing and approved buildings.
4. The proposal is contrary to Planning Policy ENV 1 Local Landscape Policy Areas of the Northern Area Plan 2016 as it fails to comply with the requirements set out for this LLPA; Designation PTL 01 Cromore LLPA which operates a presumption against new development.

Site Location Map

