



<b>Planning Committee Report LA01/2018/0037/O</b>	<b>26<sup>th</sup> September 2018</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 and Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

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

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

### **Habitats Regulations Assessment**

- 4.2 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided that recommended mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: One letter of objection was received which raised the following concerns:

- a) The Caravan Park/ Social building at Ballyleese is not a community space.
- b) The proposal is not visually linked to the other dwellings.

### **5.2 Internal**

DFI Roads has no objections subject to conditions.

NI Water has no objections subject to informatives.

Environmental Health Services has no objections subject to informatives.

HED- Protecting Historic Monuments and Buildings has no objections 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 Regional Development Strategy 2035

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

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, potential impacts on the Cromore Local Landscape Policy Area and Traffic Matters.

**Principle of Development**

8.2 Policy CTY1 of PPS 21 sets out the policy tests for when an individual dwelling house is considered acceptable in the countryside. The applicant's agent has argued that the proposal lies within an existing cluster of dwellings. The main policy consideration for a dwelling in a cluster is 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 but does not fall within a cluster of development which consists of four or more buildings where

at least 3 of these are dwellings. 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 site is located off the Agherton Road adjacent to the Ballyleese Caravan Park. 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 No. 34 is not visible from the Road and 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 due to the vegetation and the dispersed nature. The cluster does not appear as a visual entity in the local landscape.
- 8.6 As the dwelling is not considered to be associated with a cluster, it is also considered that there is no focal point such as a community building or social facility. The building which the applicant has indicated as the focal point is part of the Ballyleese caravan park which is a tourism use and a commercial business, not a community building or use. The site is not located at a cross roads and the Kiltinney Road is located approximately 290m away from the site. Given the distance this is removed from the site, this cannot be considered as a focal point. As there is no focal point in which the dwelling can be associated, it fails this part of the policy test.
- 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, and again fails this part of the policy.
- 8.8 It is considered that a dwelling cannot be absorbed into the existing cluster on site as there is no development which presently exists as a cluster. The proposed dwelling would detract from the character of the area and will alter the existing character. The proposed scheme does not comply with this part of policy.
- 8.9 The proposed development will not affect the residential amenity of the adjacent sites, due to large separations distances. 50m away from No. 24 and 40m away from No. 34. As the proposal fails to meet the

policy criteria set out under Policy CTY 2a of PPS 21, the principle of a dwelling at this site is unacceptable.

### **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. It is considered that the site would be visually integrated into the surrounding landscape and would comply with policy CTY13.

### **Rural Character**

8.12 Policy CTY 14 states that a new building will be approved where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that this development will lead to a further erosion of the rural character at this location as it results in a suburban style build-up of development when viewed with existing and approved buildings. The development add to erosion of the countryside and is contrary to CTY 14.

## **Impact on Built Heritage**

- 8.13 In its consultation response of 28<sup>th</sup> March 2018, the Historic Environment Division indicated that the proposal 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. The proposal is therefore acceptable when considered against the policy set out in PPS 6: Planning, Archaeology and the Built Heritage

## **Cromore Local Landscape Policy Area**

- 8.16 The site falls within the Cromore Local Landscape Policy Area. Designation PTL 01 Cromore LLPA of the Northern Area Plan applies. The policy outlines the designation of this LLPA and 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 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 The policy states that there will be a presumption against new development within the LLPA. As this scheme is proposing new development, it fails to meet the test of this policy as it is likely to affect the integrity and quality of the LLPA. It is contrary to policy ENV 1 of the Northern Area Plan and PTL01 Cromore LLPA.

### **Traffic Matters**

8.19 PPS 3 puts a strong emphasis on accessibility and road safety. This application will make use of an existing access point for the proposed dwelling. DfI Roads has been consulted as the competent authority on traffic matters and it raises 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 accords with guidance set out under planning policy statement 3.

## **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 and has a detrimental impact on the Cromore Local Landscape Policy Area. Refusal is recommended

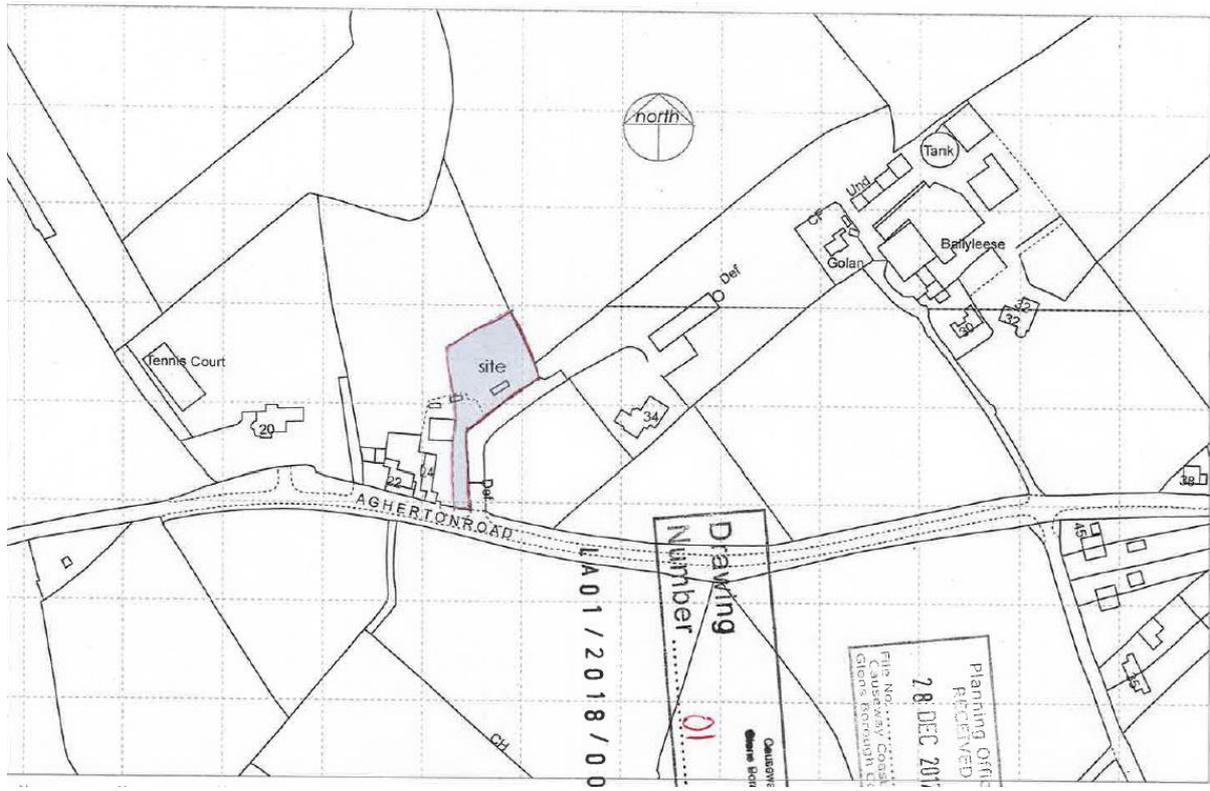
## **10 REFUSAL REASONS**

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 the development proposal 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



# Site Plan

A4

Planning Office  
RECEIVED  
09 MAR 2018  
FILE NO. ...  
Cavanagh, Co. Wick and  
Glenties Borough Council

Drawing  
Number ..... *ch*

101/2018/0032

New planting to site boundary to provide screening for new building when viewed from the listed building

ancillary shed building and existing trees act as screening for new building when viewed from the listed building

New planting and hedging to proposed site boundaries

Proposed location of new single and 1.5 story dwelling orientated to area of site which remains outside the Cromore House Historic Parks, Gardens and Demesnes designated lands.

Line of existing semi-permanent building to be demolished

New planting and ranch type fencing to form new access to proposed dwelling

Existing mature planting retained

Existing mature trees retained

access to serve no 24

Refer to drawing 1117.003 for proposed details of road access arrangements

