

<b>Planning Committee Report</b>  LA01/2018/1497/F	<b>26 August 2020</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>	LA01/2018/1497/F	<b><u>Ward:</u></b>	Aghadowey
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	118 Drumcroon Road, Coleraine,		
<b><u>Proposal:</u></b>	Proposed agricultural supplies/general purpose store		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	10.12.18
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Mr SW Atkinson, 51 Castle Street, Ballymoney		
<b><u>Applicant:</u></b>	Mr Keith Rosborough, 118 Drumcroon Road, Coleraine, BT51 4ER		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>1</b>

## **Executive Summary**

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The proposal fails to meet with the principle for Economic Development in the Countryside under PPS 4.
- In addition, it has not been demonstrated that the use of the proposed access would not prejudice road safety or significantly inconvenience the flow of traffic and the proposal conflicts with Policy AMP 3 Access to Protected Routes.
- The proposal is contrary to Policies CTY 1 of PPS 21, Policy PED 2, 6 & PED 9 of PPS 4 and Policy AMP 2 of PPS 3 and paragraphs 6.73 and 6.88 of the SPPS.

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** outline planning permission for the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within an area of agricultural land adjacent to an existing dwelling at 118 Drumcroon Road, Coleraine. The site is relatively flat and sits above road level. There is mature hedging and trees to the eastern boundary along the roadside. There is a 1m high fence to the western boundary. The dwelling at No. 118 is located to the north and the southern boundary is undefined on the ground. There is an existing agricultural access to the south of the site which is proposed to be altered to provide access to the site.
- 2.2 The site is located in the countryside outside any settlement limit as defined within the Northern Area Plan 2016. It does not fall within any specific environmental designations.

## 3 RELEVANT HISTORY

No relevant history on this site.

## 4 THE APPLICATION

- 4.1 This is a full application for "Proposed agricultural supplies/general purpose store".

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

1 petition of support has been received in relation to the proposal. The points raised within the petition include;

- Stores/warehouses in towns are bigger than the space required
- Traffic congestion & longer waiting times
- Towns no good for lorry access for unloading
- Agricultural business needs to be in the countryside
- Detrimental to the environment, fuel consumption and stress levels
- Less chance of break ins/damage if located at home

### **5.2 Internal**

- DFI Roads: Advice provided
- NI Water: No objections
- Environmental Health: No objections
- DAERA: No objections

## **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:

- The 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 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 4 – Planning & Economic Development

Planning Policy Statement 21 – Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The proposed development must be considered having regard to the 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 and access and protected routes.

## **Principle of development**

- 8.2 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 is for a proposed agricultural supplies/general purpose store which relates to an agricultural supplies business. Policy CTY 1 states that planning permission will be granted for industry and business uses in accordance with PPS 4.
- 8.3 Paragraph 6.279 of the SPPS states that retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. As a general exception to the overall policy approach some retail facilities which may be considered appropriate outside settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. The proposal is not considered to be retailing as the applicant has confirmed that the store will be used for storage of items which will then be delivered to customers. There will be no customers visiting the premises to buy items directly from the store.
- 8.4 Paragraph 6.88 of the SPPS also applies and states that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlements must however be restricted. Exceptions to this general principle may be justified in two circumstances. One being the construction of a small scale new build economic development project outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations. The site is located approximately 6 km from Garvagh, 9 km from Macosquin/Coleraine and 5 km from Ringsend in the rural area which is outside any settlement limit. It has not been demonstrated that there is no suitable site in either settlement, at edge of settlement or that other planning considerations have been met.
- 8.5 Policy PED 2 of PPS 4 relates to Economic Development in the Countryside. Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

- 8.6 Policy PED 6 is considered to be the policy which relates closest to the proposed development. The applicant is the director of a rural business supplying agricultural products to the farming community. The business has been facilitated, to date, by renting a shed at a local merchant's yard. This rental is ongoing, however the agent has confirmed that the rental agreement will be terminated in the near future. In order to continue the business, the applicant wants to use land adjacent his home to develop a building for the storage of agricultural products to be delivered to the local community.
- 8.7 Policy PED 6 states that a firm proposal to develop a small community enterprise park/centre or a small rural industrial enterprise on land outside a village or smaller rural settlement will be permitted where the relevant criteria can be met. The proposal is not a small rural project which would develop a small community enterprise park/centre or a small rural industrial enterprise on land outside a village or smaller rural settlement. The policy goes on to state that storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an industrial use. This is not the case with this proposal.
- 8.8 The applicant has approached four farmers, in the local vicinity, with the prospect of renting premises to run his business. These have either not been suitable or there has not been the required space. The applicant believes that the best option for him, would be to locate a store beside his house as he could control stock better and could provide a quicker service to his customers. The applicant has not demonstrated that there are no suitable sites within a settlement; no information has been submitted to demonstrate the proposal would benefit the local economy or contribute to community regeneration. The siting is in the rural area and is clearly not associated with a settlement.

8.9 Policy PED 6 provides a hierarchy by which to consider the acceptability of the site considering each in turn, the site is neither adjacent to an existing settlement or close to the settlement limit and contains buildings nor is it a site which is in a degraded or derelict state. Therefore, the proposal fails to comply with policy PED 6.

8.10 Proposals for economic development use will also be required to meet all of the following criteria under Policy PED 9;

*(a) it is compatible with surrounding land uses;*

The proposed building is located on agricultural land adjacent to the applicant's dwelling. There are no existing buildings or established uses on the site and the surrounding area is rural in character. The principle of this development is not considered acceptable at this location and it is considered that a building used for business purposes would not be compatible with the surrounding land use.

*(b) it does not harm the amenities of nearby residents;*

The proposed development has the potential to generate noise through the use of machinery. The Council's Environmental Health department were consulted and provided recommendations in relation to the proposal to ensure adverse impacts on amenity are obviated.

*(c) it does not adversely affect features of the natural or built heritage;*

There are no listed buildings in the vicinity. DAERA, Natural Environment Division and Shared Environmental Services have been consulted, they have no objections subject to informatives and conditions.

*(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*

The site is not located in an area zoned for flooding. The proposal complies with criteria 'd'.

*(e) it does not create a noise nuisance;*



The proposal would not create a noise nuisance. The Council's Environmental Health department have been consulted and have no objection to the proposal. The proposal complies with criteria 'e'.

*(f) it is capable of dealing satisfactorily with any emission or effluent;*

The applicant has not indicated that there will be any discharge of any effluent from the proposed building. The building will be used for storage of farming items. Environmental Health/DAERA have no concerns. The proposal complies with criteria 'f'.

*(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;*

The proposed access is an existing agricultural lane. The Drumcroom Road is part of the Protected Routes Network and as it does not meet any of the category outlined in Policy AMP 3, Access to Protected Routes (Consequential Revision), PPS 21 it fails to comply with criteria 'g' as the protected route is unable to handle safely extra vehicular traffic from this location.

*(h) adequate access arrangements, parking and manoeuvring areas are provided;*

Policy AMP 2 (Access to Public Roads) of PPS 3 advises that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access onto a public road where the access will not prejudice road safety and the proposal would not conflict with Policy AMP 3, Access to Protected Routes. As the proposal conflicts with Policy AMP 3 it does not meet the requirements of Policy AMP 2 of PPS 3 and as such fails to meet criteria 'h' of PED 9.

*(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*

Movement patterns relating to walking and cycling are not relevant to this proposal as the building is located adjacent to the applicant's

dwelling and the proposal would not impact on a public right of way and is not of a nature which requires access to public transport. The proposal complies with criteria 'i'.

*(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*

The proposed building measures 16m x 9m with a ridge height of 4.8m. The low ridge height and typical agricultural design is not uncommon in the rural area. The proposal complies with criteria 'j'.

*(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*

The roadside boundary comprises a grass verge with mature trees and hedging. An existing dwelling is located to the northern boundary and there is hedging to the western boundary. The southern boundary is undefined on the ground as the site is within a larger agricultural field. The proposed building has a low ridge height and therefore the existing boundary treatment would provide screening. However the provision of a new access may draw attention to the development. On balance, the proposal complies with criteria 'k'.

*(l) is designed to deter crime and promote personal safety;*

There should be no issues in terms of crime or personal safety

*(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;*

The proposed plan indicates the existing trees and hedgerows around the boundaries will be permanently retained and new boundaries will comprise a post and wire fence with native species hedgerow/trees and shrubs. This should assist with integration into the landscape. The proposal complies with criteria 'm'.

8.11 The proposal would fail to meet criteria (a), (g) and (h) and therefore does not comply with Policy PED 9.

## **Integration and Rural Character**

- 8.12 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 proposed building measures 16m x 9m. It has a ridge height of 4.8m and low pitched roof. It is located approximately 22m from the boundary with the road and there is a grass verge with mature trees and hedging at this boundary which provides screening and limits views of the site. The building is agricultural in design and is located adjacent to the existing dwelling, therefore should not appear as a prominent feature in the landscape.
- 8.13 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed building is located adjacent to the main dwelling and appears agricultural in design. The building will not result in a suburban style build-up of development or create or add to a ribbon of development.

## **Access and Protected Route**

- 8.14 Policy AMP 2 of PPS 3 states that planning permission will only be granted for development involving direct access or intensification of the use of an existing access onto a public road where such access will not prejudice road safety or inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.15 DfI Roads were consulted in relation to the proposed development. They advised that the proposed access is currently an agricultural access and thus cannot be treated as an existing access suitable for this development. They also advised that Drumcroon Road is part of the Protected Routes Network.
- 8.16 Policy AMP 3 sets out the cases for which planning permission will be granted for proposals involving direct access, or intensification of an existing access to a protected route outside a settlement limit. The policy specifies that approval may be justified in cases which meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. As the principle of development has not been established and the proposal does not

make use of an existing vehicular access the proposal is not deemed an exemption to the Protected Routes Policy. Thereby, if permitted would prejudice the free flow of traffic and conditions of general safety. The proposal is contrary to Policy AMP 3 of PPS 3.

## **Habitats Regulation Assessment**

- 8.17 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 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 meet the relevant criteria under the SPPS, PPS 21 and Policies PED 2, PED 6 & PED 9 of PPS 4 as there are no overriding reasons why it could not be located within a settlement. The proposal would conflict with Policy AMP 2 and 3 of PPS 3 as the proposal would involve direct access onto a Protected Route and it does not meet any of the exceptions outlined in Policy AMP 3. Refusal is recommended.

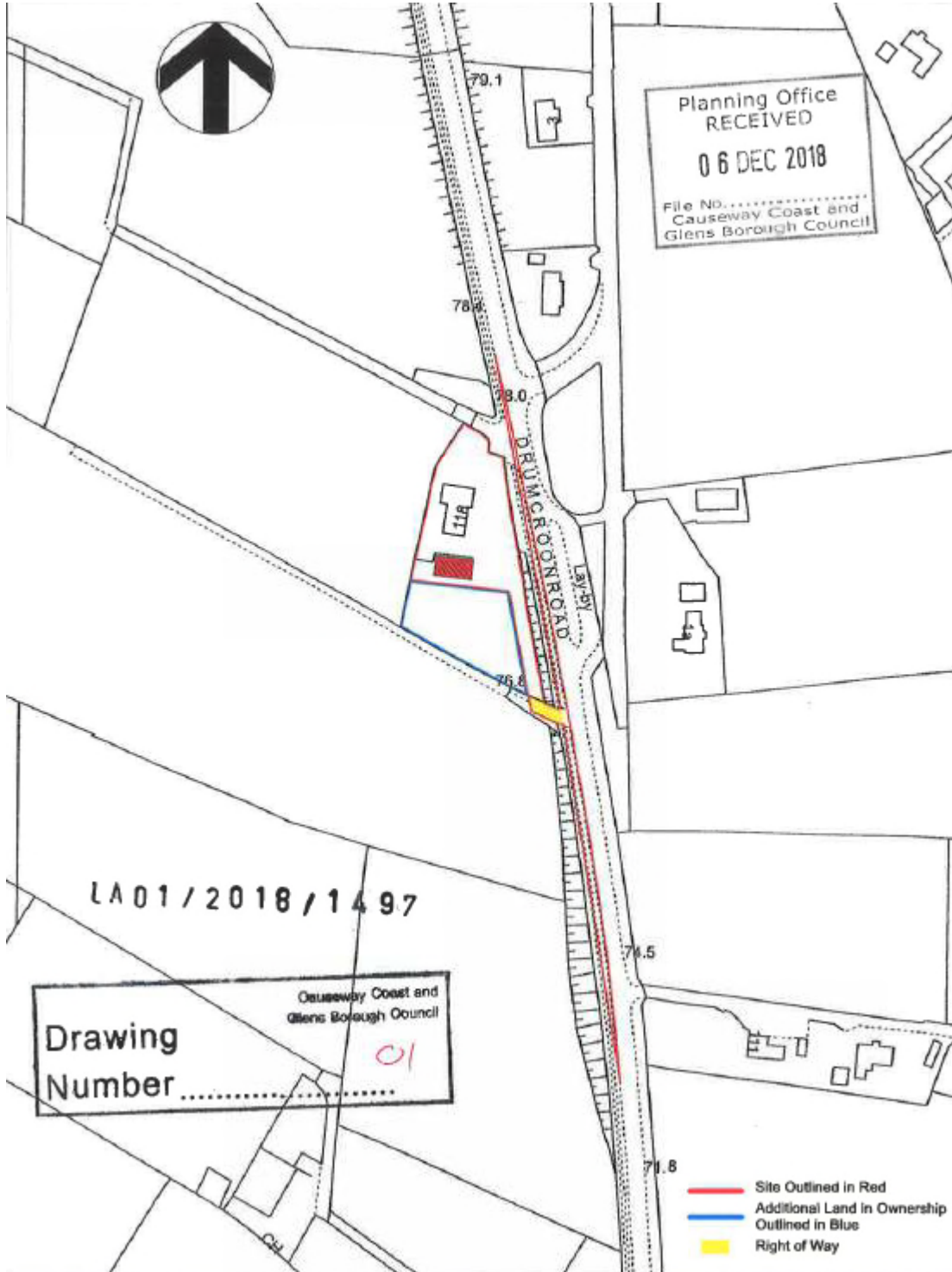
## **10 Reasons for Refusal**

### **10.1 Reasons for Refusal:**

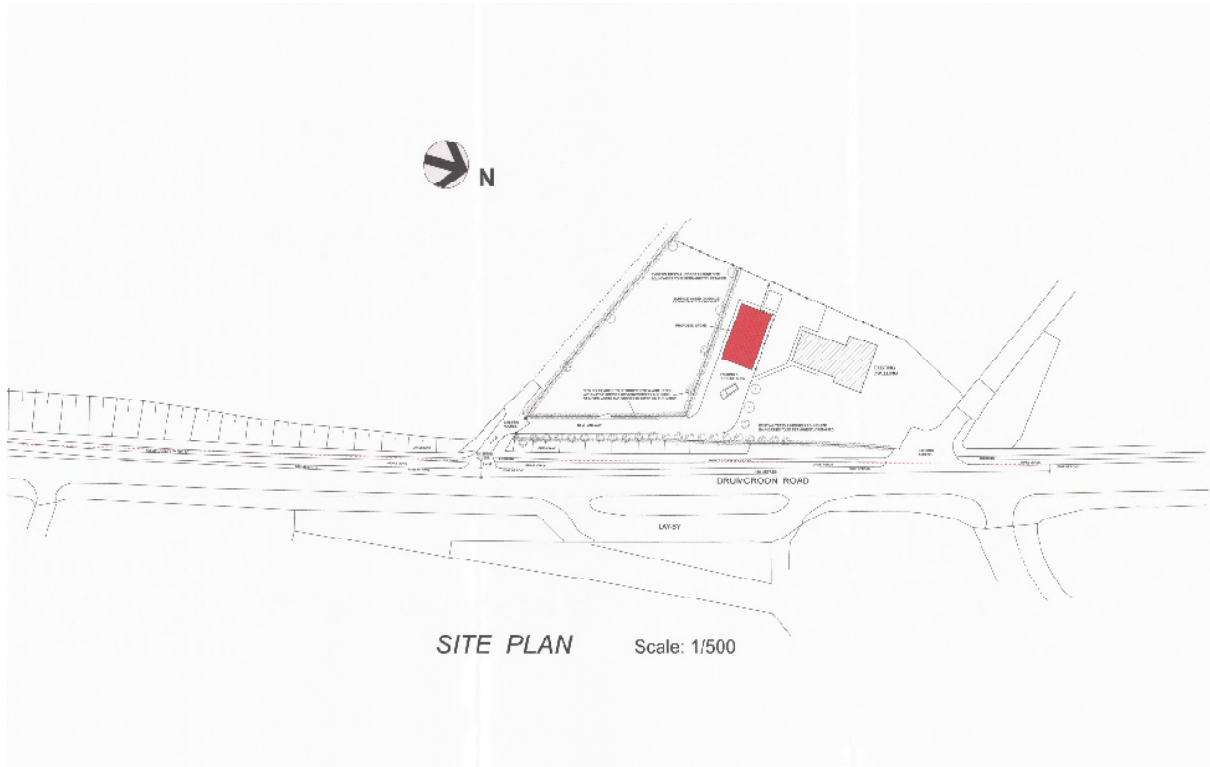
1. The proposal is contrary to paragraph 6.73 of the SPPS & Policy CTY 1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to paragraph 6.88 of the SPPS and Policies PED2, PED 6 of PPS 4, Planning & Economic Development in that the proposed use would not be ancillary to a proposal for a community enterprise park/centre or an industrial use.
3. The proposal is contrary to Policy PED 9 of PPS 4, Planning and Economic Development in that the proposed development would not be compatible with surrounding land uses and adequate access arrangements have not been provided.
4. The proposal is contrary to Paragraph 6.297 of the SPPS, Policy AMP 2 of PPS 3, Access, Movement & Parking in that it has not been demonstrated that the use of the access would not prejudice road safety or significantly inconvenience the flow of traffic and the proposal would conflict with Policy AMP 3 Access to Protected Routes.

**Site Location Plan:**



**Site Plan:**



# Addendum

## LA01/2018/1497/F

### **1.0 Update**

- 1.1 Amended plans and a letter from the applicant were submitted on 20<sup>th</sup> January 2020. The amended plans show a proposed 'domestic garage' in lieu of the current proposal which is for an 'Agricultural supplies/general purpose store'. The domestic garage is located in the same position as the current proposal with the length of it being reduced by 2 metres, all other dimensions and materials/finishes remain the same. The amended plans also show the proposed means of access to the site would be via the existing access to the associated dwelling and the proposal would also require the extension to the existing curtilage of the dwelling.
- 1.2 The letter submitted by the applicant advises that he has approached the owner of the shed he currently rents, regarding long term leasing of these premises to facilitate his ongoing business and service to the local agricultural community. He goes on to state that he wishes to amend the planning application to a domestic garage to be used to house personal items such as a van, car, trailer etc. The integral garage which exists on site, is of an in-sufficient size to safely and securely store these items, and may also be converted into living accommodation in the future.

### **2.0 Consideration**

- 2.1 As the current application relates to an Agricultural supplies/General purpose store, and the amended plans are for a domestic garage with an extension to the curtilage, this is considered to be a different proposal and as such, would require a new planning application. Therefore, the amended plans cannot be considered and dealt with under this planning application. The agent was advised of this by email on 20<sup>th</sup> January 2020.



### **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report

# **Addendum**

## **LA01/2018/1497/F**

### **1.0 Update**

- 1.1 A letter from the applicant was received on 19<sup>th</sup> March 2020. This letter states that due to the current situation and advice from the government regarding COVID-19, the options regarding the store should be reconsidered.
- 1.2 The applicant states that protecting his business and the local farmers is essential for the economy. It goes on to say that social contact can be reduced with minor alterations and having the store beside the applicant's home means deliveries to the store can be made easier and without social contact, putting the applicant and customers at lower risk. This will enable the applicant to continue to provide customers with essential products required on a daily basis.

### **2.0 Consideration**

- 2.1 The application seeks planning permission for a permanent structure to facilitate a business in the countryside. The government advice relating to the COVID-19 pandemic is temporary in nature and therefore is not justification for the need for a permanent structure on this site. This correspondence does not change the opinion to refuse.

### **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report