

Planning Committee Report	27th February 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	Shane Mathers
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2016/1482/F	<u>Ward:</u> Giant's Causeway
<u>App Type:</u>	Full Planning	
<u>Address:</u>	Tramway Halt, Bushmills Station, Ballaghmore Road, Bushmills.	
<u>Proposal:</u>	Renewal of full planning permission E/2009/0281/F for extension of railway line southward of existing Bushmills Railway Halt and proposed railway halt to include commercial facilities (café, ticket office, toilets, office and kitchen) and 2 no. apartments with associated works including car parking, landscaping and planting.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 06.12.2016
<u>Listed Building Grade:</u>	N/A	
Agent:	Causeway and Bushmills Railway Co. Ltd	
Applicant:	Studiorogers Architects Ltd	
Objections:	2	Petitions of Objection: 0
Support:	0	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 at the junction of Ballaghmore Road and Dunluce Road. Currently the site includes the railway line, agricultural fields and existing vegetation. To the east the site is bounded by a watercourse and existing vegetation to include hedges and trees. To the west the site is bounded by the existing railway line and wooden fencing which bounds an area of hardstanding used for parking. To the north the site is bounded by a wooden fence with existing vegetation. To the south the site is bounded by existing vegetation and Dunluce Road.
- 2.2 The proposed development is located outside the Settlement Development Limit for Bushmills and is located within the Distinctive Landscape Setting for the Giants Causeway and is within an AONB. There is one archaeological site and monument located close to the site. A watercourse abounds the site to the east. The character of the area consists of agricultural lands with a mix of residential dwellings to include bungalows and two storey detached dwellings to the west. The site is also located close to the former Tramway Halt and a former garage as well as the railway line which connects to the Giants Causeway.

3 RELEVANT HISTORY

E/2009/0281/F

Extension of railway line southward of existing Bushmills railway halt and proposed railway halt to include commercial facilities (cafe, ticket office, toilets, office and kitchen spaces) and 2

apartments with associated works including carparking and landscaping.
Tramway Halt Bushmills Station Ballaghmore Road Bushmills
Permission Granted

4 THE APPLICATION

- 4.1 Renewal of full planning permission E/2009/0281/F for extension of railway line southward of existing Bushmills Railway Halt and proposed railway halt to include commercial facilities (café, ticket office, toilets, office and kitchen) and 2 no. apartments with associated works including car parking, landscaping and planting.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Three (3) objections were received. The points raised are set out below:
- Landownership.
 - Conflict with right of way to the fields.
 - Air pollution.
 - Noise, nuisance and general disturbance.
 - Privacy.
 - LLPA to be kept free from development.

Internal

- 5.2 **DFI Roads:** No objection.

NI Water: No objection.

Environmental Health: No objection.

DAERA Water Management Unit: No objection.

DAERA Natural Heritage: Object to the proposal.

Shared Environmental Services: Object to the proposal.

DAERA – Protected Landscapes: No objection.

Historic Environment Division – Historic Buildings: No objection.

Historic Monuments Unit: No objection.

MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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
- 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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 6 (PPS 6)

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 16: Tourism

Planning Policy Statement 21 (PPS 21) Sustainable
Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; impacts on the Distinctive Landscape Setting of the Giant's Causeway and visual integration.

Planning Policy

- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance.

Planning History

- 8.3 This application is a renewal of a previous application reference E/2009/0281/F. At the time of submission this application was still live. The principle of development this has been established at this site. However since the approval of this application there has been a number of legislative and policy changes. As of 1 April 2015 a plan led system operates in NI; any determination must be made in accordance with the plan unless material considerations indicate otherwise. Previously, under the Planning Order (NI) 1991, the Planning Authority was required to have regard to the development plan, so far as material to the application, and to any other material consideration, but not to give primacy to the provision of the plan. Further to this the Northern Area Plan has been adopted, the Strategic Planning Policy Statement for NI (SPPS) has been published and PPS15 – Planning and Flood Risk has been published.

Distinctive Landscape Setting

- 8.4 The proposed site lies within the Distinctive Landscape Setting of the Giant's Causeway World Heritage Site. This is set out under Designation COU 3 The Distinctive Landscape Setting of the Giant's Causeway and is subject to consideration under Policy COU 4.
- 8.5 The starting point of Policy COU 4 is that no development will be approved within the Distinctive Landscape Setting outside of settlement development limits other than the three stated exceptions. These exceptions are:
1. Exceptionally modest scale facilities, without landscape detriment, which are necessary to meet the direct needs of visitors to the World Heritage Site;
 2. Extensions to buildings that are appropriate in scale and design and represent not more than 20% of the cubic content of existing buildings;
 3. Replacements of existing occupied dwellings with not more than a 20% increase in the cubic content.
- 8.6 A supporting statement has been provided in an attempt to demonstrate that the proposed development meets the requirements of this policy. It was stated that the railway will provide a direct link to the World Heritage Site. It was identified that a terminus building with similar facilities was permitted at the World Heritage Site and at the Bushmills end of the railway line there are no comparable facilities. It is stated that the proposed development is essential in order to bring the experience to those visiting the WHS up to an appropriate standard. It was argued that the improved tourism facilities associated with this development directly relates to the needs of the visitors to the World Heritage Site.
- 8.7 It has been identified that other material considerations are relevant to include the SPPS which recognises that tourism is one of the building blocks to underpin the priority of a sustainable economy. It is also stated the application has been submitted by a registered charity for the preservation of the historic railway link between Bushmills and the World Heritage Site. It is also inferred that the development will increase the use of the railway line and help to reduce vehicular congestion in and around the WHS.

- 8.8 Having particular regard to the two apartments proposed as part of the application it was stated that these were required to provide enabling development monies for the project. It was also stated that this was accepted under the previous approval.
- 8.9 The information contained within the planning support statement has been considered in the assessment of this application. The proposed development will include provisions for an extension to the existing railway line, the provisions of a railway halt to include café, ticket office, toilets, office and kitchen and 2 apartments and associated works to include car parking, landscaping and planting. It could be considered that the extension of the railway line, the provision of ticket office, toilets, office and kitchen would fall under exception 1 as the railway line connects directly to the Giant's Causeway World Heritage Site. These elements would therefore provide a facility which could be considered necessary to meet the direct needs of visitors to the World Heritage Site.
- 8.10 However, the provision of the two apartments and to some extent the café would not meet the direct needs of visitors to the World Heritage Site. The café element could also provide a facility to those visiting the general vicinity of Bushmills and would be open to customers not using the World Heritage Site. Therefore it is considered that this proposal fails to meet the exceptions test. Therefore the development is unacceptable as contrary to Policy COU 4. The Council does not consider any other material considerations have been presented in relation to this application that warrant setting aside the requirement contained in the Planning Act that development shall be in accordance with the development plan unless material considerations indicate otherwise. As such, this proposal is contrary to the adopted plan and should be refused.
- 8.11 Policy COU 4 of the Northern Area Plan is complemented by Policy BH 5 of Planning Policy Statement 6 which relates to the Protection of World Heritage Sites. Policy BH 5 of PPS 6 requires a presumption in favour of the preservation of the World Heritage Site and its setting. The Council does not consider there are any exceptional circumstances associated with this application that would set aside the policy

considerations contained in this policy. This policy also restricts development that would have an adverse impact on the World Heritage Site or the integrity of its setting. The extent of the Distinctive Setting of the World Heritage Site and the policy framework attached to this has been established in the adopted Northern Area Plan.

Principle of Tourism Amenity

- 8.12 The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS.
- 8.13 Policy CTY 1 of PPS 21 states that 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. One of these forms of development is tourism development in accordance with TOU Policies in the Planning Strategy for Rural Northern Ireland which have been superseded by Planning Policy Statement 16 Tourism.
- 8.14 A proposal for the extension of an existing tourist amenity will be permitted in line Policy TSM 2 of PPS 16 where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area. Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. In circumstances where the planning authority accepts a new or replacement building it should be sited and designed so as to integrate with the overall development.
- 8.15 Although the proposed development includes the provision of a large building it is considered that the proposed design, scale and nature which is traditional and visually pleasing will allow the proposed development to effectively integrate into the surrounding landscape. It is considered given the traditional design and appearance of the building which, is similar in

design to the former tramway halt building located opposite the site that the proposed development not have a detrimental impact on rural character, landscape quality or the environmental of the area.

- 8.16 Provision of a new building is considered acceptable at this site as there are no existing buildings located on the site. It is considered that the proposed development would provide a facility to promote the use of the railway line and that this building would be central to this promotion. The provision of a new building is considered the most feasible option at this site.
- 8.17 All tourism developments must also comply with the 15 criteria set out in TSM 9 of PPS 16. These criteria relate to design, layout, boundary treatment, drainage, crime, impact on character and neighbouring residents, access arrangements, sewage disposal and impacts on features of natural or built heritage.
- 8.18 In regard to design the proposed development is considered acceptable given the proposed traditional finishes to include a natural slate roof, red brick chimneys, smooth render, painted timber frame casement windows, painted timber panel doors and painted cast iron gutters and downpipes. The overall finish is similar in appearance to the former Railway Station at 2 Ballaghmore Road Bushmills. The proposed layout is acceptable with proposed landscaping along the boundaries of the site and retention of existing landscaping which reduce the visual impact of the proposed development. The additional parking spaces located close to the site will be finished with grasscrete which reduce the visual impact further.
- 8.19 In terms of drainage Water Management Unit and NI Water raised no concern with the proposed development. NI Water was consulted in regard to the proposed development and identified that there was available capacity within the existing Waste Water Treatment works to facilitate this development. There is also a mains foul sewer located within 20 metres of the proposed site.
- 8.20 The site will be secured by 1.4 metre high powder coated metal railings and existing and proposed landscaping and will not create spaces in which anti-social activity may occur. A

consideration of the visual impact of the proposed development has been assessed under paragraphs relating to visual integration and rural character.

Built heritage

8.21 The site is located in proximity to the former Tramway Station which is a grade B1 listed building. Historic Environment Division was consulted in regard to this application and considered the proposal failed to satisfy Policy BH 11 of PPS 6 Development affecting the Setting of a Listed Building of Planning Policy Statement 6 in that they include a virtual replica of the listed building that impacts on the historic importance of the original station.

8.22 However, it was stated that HED had no grounds for comment in view of the extant planning consent and the separation of the two sites. Given weight to the previous approval it is considered that the proposal in regard to the impact on the listed building is considered acceptable.

8.23 The proposed site is located in proximity to an Archaeological Site and Monument. Historic Environment Division was consulted in regard to this application and was content with the proposed development subject to a programme of Archaeological Works which can be conditioned if the proposal was considered acceptable.

Noise and Odour

8.24 Given the nature of the proposal, the development will have a potential impact on neighbouring dwellings and future residents of the apartments through noise and odour during the operation of the tramway and the café. Environmental Health was consulted in regard to this application and it was stated that complaints have been received previously on this site due to smoke and train movements. Concern was raised that future residents of the proposed apartments would be exposed to greater levels of smoke given their proximity to the railway line. Environmental Health was content with the proposed development subject to conditions to provide mechanical ventilation to all bedrooms overlooking the track and a condition to provide a proprietary odour abatement system which will

protect future residents from odour disturbance. Given the separation distance to existing residential receptors and the fact that the railway line is existing it is considered that the proposed development would have an acceptable relationship with neighbouring dwellings and would not have a significant adverse impact on the amenity of these residents.

Assessment of Café

- 8.25 The provision of a café in the countryside is not type of development permitted under Policy CTY 1. The floor plans submitted show the majority of the ground floor to be used for the purpose of the café and the ticket counter ancillary.
- 8.26 Policy CTY 1 does permit other types of development where there are overriding reasons why that development is essential and could not be located in a settlement. The Agent has put forward the case that the proceeds will go towards the provision and maintenance of the railway. This is considered under paragraphs 8.45 to 8.47. However there is no reason why this element could not be located within a settlement also taking into consideration the proximity of the settlement of Bushmills.

DCAN 4: Restaurants, Cafes and Fast Food Outlets

- 8.27 DCAN 4: Restaurants, Cafes and Fast Food Outlets states that restaurants or hot food take away premises may be acceptable except where,
- There would be a significant loss of retail floorspace at ground level;
 - A clustering of non-retail uses is created;
 - The area overall is tending to be dominated by non-retail uses.
 - The impact of the proposal
 - The impact in terms of the size
 - The quality and attractiveness of the proposed development,
 - The likely effects on the amenity of the shopping area and residents within it.
 - The impact of the development on the vitality and viability of the centre,

- Noise disturbance, smells and fumes; refuse and litter;- traffic considerations and car parking;
- Provision for people with disabilities.

8.28 This proposal will not lead to the loss of retail floor space as the proposed building will be a new construction. In terms of size this proposal is small scale with an overall floorspace of 82 square metres. In terms of the overall impact of the proposal in terms of size, the proposal is considered appropriate to the site given its traditional form. As this is a café the proposal will have the potential to create noise disturbance, smells and fumes and litter which in turn would have an impact on existing residential premises. Environmental Health was consulted and are content with the proposal subject to conditions. DFI Roads was consulted and initially had concerns but amendments have been provided and this has remedied the issues. The proposed café is considered acceptable having regard to DCAN 4.

Visual Integration and Rural Character

8.29 Given the proposed design which is similar in appearance to the former Railway Station, the retention of the existing vegetation, the use of additional planting and the use of grasscrete for driveway and parking area it is considered that the proposed development will effectively integrate into the landscape and would not have a detrimental impact on rural character. Overall it is considered that the proposal would not appear to be prominent on the site. The proposed development will not lead to a suburban style build-up of development when viewed with existing development, it will respect the traditional pattern of development given the similar design to the former Train Station halt at 2 Ballaghmore and will not create or add to a ribbon of development.

8.30 DAERA Protected Landscapes team was consulted in relation to this application as the site is located within an Area of Outstanding Natural Beauty and the Distinctive Landscape Setting for the Giant's Causeway World Heritage Site. It was considered that the impact on the WHS and its Distinctive Setting and the AONB would, on balance, be acceptable as the development will integrate effectively into its surroundings. It was also recommended that conditions be used to ensure the

retention of existing hedgerows and the implementation of additional planting.

Assessment of Apartments

8.31 Due to the location of the proposed apartments within the rural area, Policy CTY 1 of PPS 21 is applicable. There is no allowance for apartments in the rural area. There are no acceptable overriding reasons why the development is essential and could not be otherwise located in a settlement. The proposal would be contrary to Policy CTY 1. However, to ensure full consideration it is appropriate to further consider the proposal under PPS 7.

8.32 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

(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;

8.33 The proposed development includes two apartments located on the upper floors of the tramway halt. Development within the vicinity of this site is predominantly residential and dwellings are made up predominantly of bungalows and also some two storey dwellings. The former railway station is currently being used as a residential dwelling. There is also a former filling station located in proximity to the site. Given the mixed character of the area it is considered that the proposed tramway halt which is similar in appearance to the former railway station is considered acceptable.

8.34 The topography of the site has been considered in the assessment of the site. The area of the site to which the tramway halt will be located is fairly flat and is at a lower level to the main road. Having regard to the topography of the site this proposal is considered acceptable.

(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;

8.35 The site is located in proximity to an Archaeological Sites and Monuments. Historic Environment Division was consulted as the competent authority and raised no objection to the proposed development subject to condition to provide a Programme of Archaeological Works.

8.36 The site is located in proximity to the former railway station which is B1 listed. HED considers the proposals fail to satisfy Policy BH11/Development affecting the Setting of a Listed Building of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that they include a virtual replica of the listed building that impacts on the historic importance of the original station, we have no grounds for comment in view of the extant planning consent and the separation of the two sites. Therefore it is considered that the proposed development is acceptable having regard to Policies BH 2 and BH 11 of Planning Policy Statement 6.

(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;

8.37 There are adequate provisions for private open space for the apartments which includes an area of rear amenity. This provides approximately 85 sq metres of private amenity space which meets the 10 to 30 sq metre recommendation in the Creating Places document for apartment development. There is also an area located close to the grasscrete driveway allocated for bin storage.

8.38 This development is small scale with 2 apartments which is well below the 25 unit threshold as stated in PPS 8 Open Space and Recreation policy OS 2 relating to open space in new residential development. As such there is no need to provide public open space as part of this proposal.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

8.39 Given the small scale nature of this proposal to provide two apartment's provisions for local neighbourhood facilities are not required. Although the site is located outside the Settlement Development Limit of Bushmills it is on its edge and potential residents can use facilities located within Bushmills or Portballintrae.

(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;

8.40 The apartments are located outside the Settlement Development Limit for Bushmills but is located in proximity to the towns Bushmills and Portballintrae. Therefore potential residents are located close two settlements which are convenient for walking and cycling and the site is located close to public transport networks.

(f) adequate and appropriate provision is made for parking;

8.41 The application site lies outside the Settlement Development Limit of Bushmills. There is parking provision for three spaces as shown on the block plan and there is also a larger car park located close to the site. DFI Roads raised no concern in regard to parking provision.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

8.42 The proposed design is considered acceptable in regards to form, materials and detailing. The proposed finishes include a natural slate roof, red brick chimneys, smooth render, painted timber frame casement windows, painted timber panel doors and painted cast iron gutters and downpipes. The overall finish is similar in appearance to the former Railway Station at 2 Ballaghmore Road Bushmills.

(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;

8.43 The proposed apartments are located approximately 15 metres from the nearest residential receptor which is located across the road from the site. Given this separation distance and the scale of the proposed development it is considered that there will be no concerns in regard to overlooking, overshadowing or loss of light on existing dwellings. Given the residential nature of the proposed development it is unlikely that the proposed development would have a significant impact on existing dwellings through noise or other disturbance. Environmental Health was consulted in regard to the scheme and raised concern in regard to the impact of the proposed development to include railway line, smoke and noise may have a detrimental impact on any potential residents of the apartments. Environmental Health has recommended conditions relating to ventilation and noise to safeguard the amenity of the potential residents.

(i) the development is designed to deter crime and promote personal safety.

8.44 This proposal will not lead to the creation of areas where anti-social may be encouraged. The proposed development will be secured through landscaping and railings.

Enabling Development

8.45 Policy ED 1 of PPS 23 states that proposals involving enabling development relating to the re-use, restoration or refurbishment of significant places will only be permitted where it can be demonstrated by the applicant in the submission of a Statement of Justification to accompany an application for planning permission that all of the following criteria are met. For the purposes of this PPS, 'significant place' means any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance)

together with any historically related contents, industrial heritage, conservation areas or a historic park, garden or demesne. The site does not qualify as a significant place.

8.46 It has been argued by the agent that the proposed development and its link between Bushmills and the World Heritage Site is increasingly important with the rising visitor numbers and parking congestion experienced at the WHS. It was stated that a facility for visitors at the Bushmills end is an essential element is securing the long term sustainability particularly when circa 60% of ticket sales are from the Bushmills end. It was stated that the importance of this tourist attraction was recognised previously by the DOE in the previous permission to which this application is a renewal.

8.47 It is accepted that the proposed development will provide economic benefits. However, since the approval of the previous application there has been a number of legislative and policy changes. As of 1 April 2015 a plan led system operates in NI; any determination must be made in accordance with the plan unless material considerations indicate otherwise. Previously, under the Planning Order (NI) 1991, the Planning Authority was required to have regard to the development plan, so far as material to the application, and to any other material consideration, but not to give primacy to the provision of the plan. The Northern Area has also been adopted. The provisions of two apartments is unacceptable having regard to PPS 21 Policy CTY1 and Policy COU 4 of the Northern Area Plan as the apartments do not provide a facility that caters for the essential needs of visitors to the World Heritage Site.

PPS 2 Natural Heritage Policy NH 2 and Policy NH5

8.48 Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. DAERA Natural Environment Division was consulted in regard to this application and had raised concern in regard to badgers. A biodiversity checklist has been submitted with the application and NED are

content will the detailing provided. NED are content that badgers will not be significantly impacted by the proposal

- 8.49 It was also stated that from the survey associated with the Biodiversity checklist that Japanese Knotweed was located on site. NED raised concerns that the development may lead to the spread of this plant which is an invasive species. NED was content that the proposed development would not have a significant impact on natural heritage interests subject to condition.

Habitats Regulations Assessment

- 8.50 The proposed site is located adjacent to a tributary of the Bush River which is hydrologically linked to the Skerries and Causeway SAC. Given this a consultation was sent to SES and DAERA Coastal Development to consider the impacts of the proposed development having regard to the Habitats Regulations. DAERA and SES have requested an Outline Construction Environmental Management Plan to further consider the impacts of this proposal. However, this has not been provided and therefore it has not been demonstrated that the proposed development would not have a detrimental impact on the Skerries and Causeway SAC.

Impact on the AONB

- 8.51 This proposal is located within The Causeway Coast Area of Outstanding Natural Beauty. In line with Policy NH 6 of PPS 2 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. It must respect the special character of the area, it must conserve features of importance to the area and it must respect local architectural styles and traditional boundary details within the area.
- 8.52 DAERA Protected Landscapes was consulted in regard to its impact on the AONB. A full consideration of this impact has been made under paragraphs 8.25 and 8.26.

PPS 15 Flood Risk

- 8.53 The proposed site is not located within any flood zones. Under Policy FLD 2 a 5 metre maintenance strip to the watercourse is required and there space to provide this. The proposed railway track crosses an undesignated watercourse and under Policy FLD 4 modification of a watercourse is normally not permitted unless it is necessary to provide access to a development or for engineering reasons. It is considered that the proposed development meets with these exceptions.

Roads Issues

- 8.54 DFI Roads was consulted in regard to the proposed development and raised no concern with the proposal subject to conditions. It is therefore considered that the proposed development will not significantly inconvenience the flow of traffic or prejudice road safety.

Other Matters

- 8.55 In relation to landownership one of the representations raised concern that the proposed development included lands not in the ownership of the applicant. It was stated that permission for this renewal should not be given as no guarantee has been given to the owners of the land in question that their access will be secured. In regard to this issue notice has been served on the owner of this land and a P2a form and section 27 of the P1 form has been filled in. A second representation letter was received on 29th November 2018 raised further concern in regard to land ownership. This issue was raised with the agent and a letter was received on 29th January and it was stated that Notice was served on the owners of the lands in question at the time of submission of the application. It was indicated that some or all of this land may have changed ownership during the processing of the application. Reference was made to Section 42 (1) (c) which states that notice should be served on any person who at the beginning of 21 days ending with the date of this application. The agent stated this was fulfilled at the date of submission. Further to this it was stated Dunadrave Properties Ltd are patently aware of the proposal and no prejudice has been caused in this instance. This land ownership issue has no bearing on the principle of the development at the site which is considered unacceptable as it fails to meet the exceptions as

set out in Policy COU 4 of the Northern Area Plan which relates to the Distinctive Landscape Setting of the Giant's Causeway World Heritage Site.

9 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is located within the Distinctive Landscape Setting of the Giant's Causeway World Heritage site and does not fall within the exceptions for development as set out in Policy COU 4 of the Northern Area Plan. There is no justification for the proposed apartments or café within the countryside under Policy CTY 1. It has not been demonstrated that the proposal would not have a detrimental impact on the Skerries and Causeway SAC. As such this proposal is recommended for refusal.

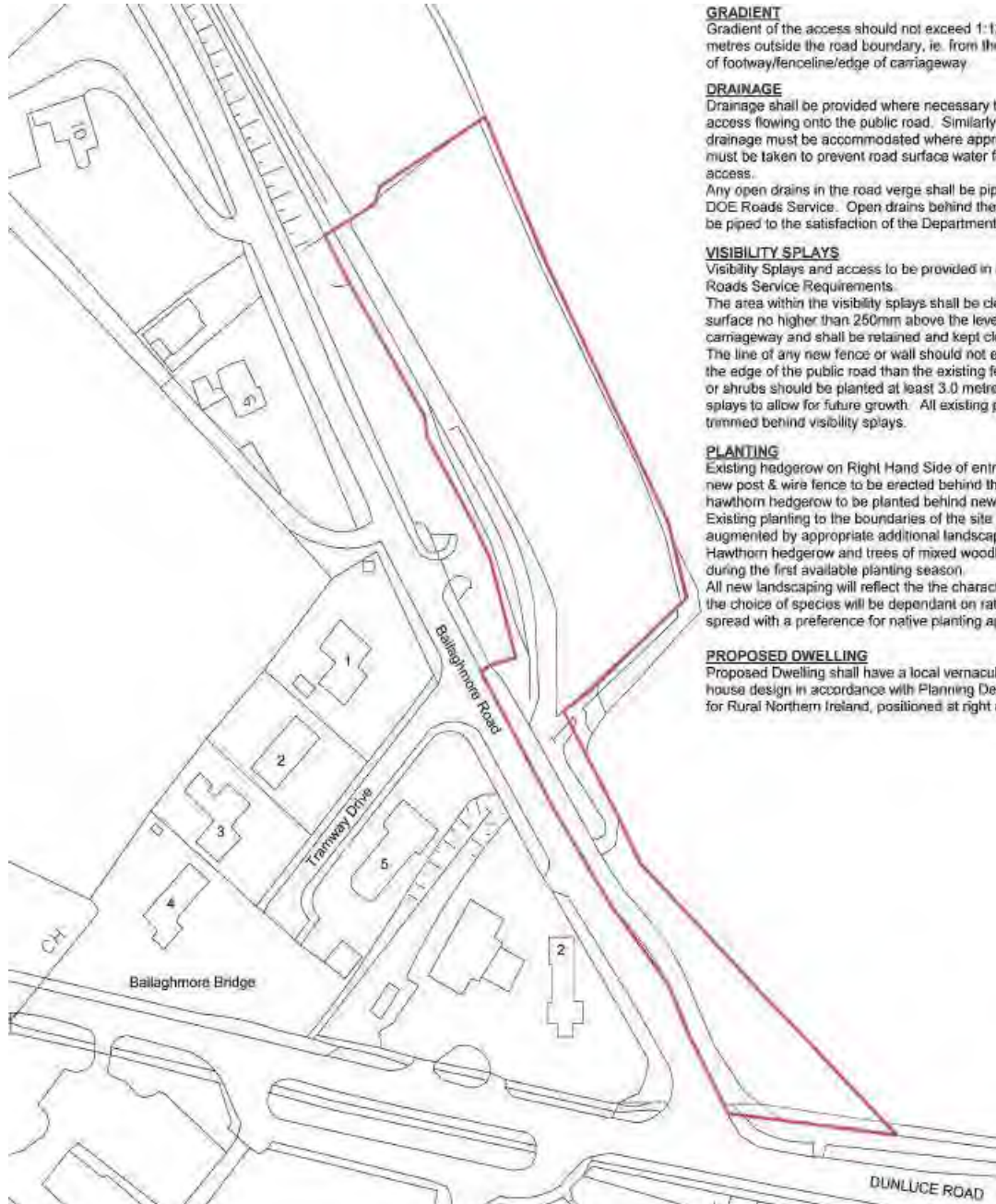
10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to paragraph 6.6 of the SPPS Planning for Sustainable Development and Policy COU 4 of the Northern Area Plan 2016 in that the site lies within the Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site. The proposal does not qualify as an exception and therefore does not justify a relaxation of the strict planning controls in this area.
2. The proposal is contrary to paragraph 6.6 of the SPPS Planning for Sustainable Development and Policy BH 5 of Planning Policy Statement 6, Planning Archaeology and Built Heritage, in that the site would adversely impact the integrity of the setting of the Giant's Causeway and Causeway Coast World Heritage Site, and there are no exceptional circumstances to justify a relaxation of the strict planning controls in this area.
3. The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning for Sustainable Development 2015, and contrary to Policy NH1 of Planning Policy Statement 2 Natural Heritage, in that it has not been demonstrated that the proposed development would not have an adverse impact on the natural environment and insufficient information has been submitted on appropriate mitigation or compensation measures.

4. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed apartments are not a type of development permitted in the countryside and no overriding reasons have been provided why the development is essential and could not have been located in a settlement.
5. The proposal is contrary Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the provision of café is not provided for in the countryside and no overriding reasons have been provided why the development is essential and could not have been located in a settlement.



GRADIENT

Gradient of the access should not exceed 1:1; metres outside the road boundary, ie. from the edge of footway/fenceline/edge of carriageway

DRAINAGE

Drainage shall be provided where necessary to prevent access flowing onto the public road. Similarly drainage must be accommodated where appropriate must be taken to prevent road surface water from flowing onto the access.

Any open drains in the road verge shall be piped to the satisfaction of the Department of the Environment, Northern Ireland (DOE) Roads Service. Open drains behind the access shall be piped to the satisfaction of the Department of the Environment, Northern Ireland (DOE) Roads Service.

VISIBILITY SPLAYS

Visibility Splays and access to be provided in accordance with the Department of the Environment, Northern Ireland (DOE) Roads Service Requirements.

The area within the visibility splays shall be cut to a surface no higher than 250mm above the level of the carriageway and shall be retained and kept clear. The line of any new fence or wall should not be closer to the edge of the public road than the existing fence or wall. Trees or shrubs should be planted at least 3.0 metre from the edge of the road. All existing trees shall be trimmed behind visibility splays.

PLANTING

Existing hedgerow on Right Hand Side of entrance shall be retained. A new post & wire fence to be erected behind the existing hedgerow to be planted behind new hedgerow to the boundaries of the site augmented by appropriate additional landscaping. Hawthorn hedgerow and trees of mixed wood shall be planted during the first available planting season.

All new landscaping will reflect the character of the area. The choice of species will be dependant on native species available with a preference for native planting.

PROPOSED DWELLING

Proposed Dwelling shall have a local vernacular house design in accordance with Planning Department of the Environment, Northern Ireland (DOE) for Rural Northern Ireland, positioned at right hand side of access.