

Planning Committee Report LA01/2019/0655/F	18th December 2019
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>App No:</u>	LA01/2019/0655/F	<u>Ward:</u>	Atlantic
<u>App Type:</u>	Full Planning		
<u>Address:</u>	75 Ballyreagh Road, Portstewart		
<u>Proposal:</u>	Erection of building comprising of 3no self-catering units and associated site works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	03.06.2019
<u>Listed Building Grade:</u>	N/A		
Applicant:	Don & Joan Logan, 40 Kilraughts Road, Ballymoney, BT53 7HL13		
Agent:	M B A Planning, 4 College House, Citylink Business Park, Belfast		
Objections:	1	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Executive Summary

- This proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located between Portrush and Portstewart, outside the development limits in the NAP 2016. It is located within Local Landscape Policy Area – Golf Links and Eastern Coastal Area (PTL 04).
- The height of the proposed self-catered units is similar to the dwelling approved on this site under C/1999/0192 which is still extant (LA01/2015/0678/LDE). The scale, massing and design of the proposal is acceptable only when compared with the extant permission on the site.
- The proposal fails to meet the criteria of Policy TSM 5 of PPS 16 and the 3 self-catered units are not provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right.
- There are no adverse impacts upon archaeology and natural heritage.
- Access and Parking arrangements are acceptable.
- One letter of objection has been received in relation to this application.
- No statutory consultee have raised any concerns with this proposal.
- The proposal does not comply with all relevant planning policies including the Northern Area Plan, SPPS and PPS 16.

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

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at No. 75 Ballyreagh Road, Portstewart. The site is on the seaward side of Ballyreagh Road, the main traffic route between Portstewart and Portrush. The site comprises grassland and the foundations of the dwelling approved under C/1999/0192. The site boundaries are undefined. Access to the site is gained from the Ballyreagh Road. The site slopes gently from the Ballyreagh Road to its northern boundary then there is a steep slope down to the port path and the lower lying land along the Coast. The site benefits from sea views given its coastal location.
- 2.2 The site is located between Portrush and Portstewart but is outside the development limits in the NAP 2016. It is located within Local Landscape Policy Area – Golf Links and Eastern Coastal Area (PTL 04).

3.0 RELEVANT HISTORY

- 3.1 LA01/2018/0197/F: Erection of building comprising 3 no. self catering units and associated site works - Refusal - 13.03.2019
- 3.2 LA01/2015/0678/LDE: Existing foundations and retaining wall construction for dwelling house completed on site in April of 2002, in association with DOE planning approval C/1999/0192 - Permitted Development - 14.12.2015

- 3.3 C/2012/0083/PREAPP: Self-catering tourist apartments (change to C/1999/0192) – Determination Likely to Refuse
- 3.4 C/1999/0192: Erection of replacement split-level dwelling with integral double garage – Approval - 24.06.1999

4.0 THE APPLICATION

- 4.1 Proposed site for erection of building comprising 3 no. self-catering units and associated site works.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

One letter of objection has been received with the following concerns raised:

- Contrary to Policy TSM 5 of PPS 16
- The design and size of the Apartments would not deter permanent residential use. Self-catering units do not require master bedrooms to have dressing rooms and ensuites and utility areas if for short term holidays.
- Apartments could be sold off as individual units
- Intensification of access and risk of accidents
- Quashing of Hotel at the NW 200 Circuit potts should be taken into consideration.

5.2 Internal:

NI Water: No objections.

Environmental Health: No objections.

Historic Environment Division, Historic Monuments: No objections.

Shared Environmental Services: No objections.

DFI Roads: No objections.

DAERA, Water Management Unit: No objections.

DAERA, Marine & Fisheries Division: No objections.

DAERA, Natural Environment Division: No objections.

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 21- Sustainable Development in the Countryside

PPS 16 – Tourism

PPS 6 – Planning, Archaeology & the Built Heritage

PPS 3 – Access, Movement and Parking

PPS 2 – Natural Heritage

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

Building on Tradition – A Sustainable Design Guide for the NI Countryside

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposal is located within the countryside between Portrush and Portstewart and is within the Golf Links and Eastern Coastal Area LLPA.
- 8.2 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 8.3 The main considerations in the determination of this application relate to: Impact on LLPA, Principle of self-catering accommodation, Policy TSM 7 - Tourism development, Visual Impact & Rural Character, Archaeology, Access and Natural Heritage.

Impact on LLPA

- 8.4 The proposal is located within the countryside in the Golf Links and Eastern Coastal Area LLPA (PTL 04). Policy ENV 1 of NAP 2016 applies for LLPAs and development proposals must not adversely affect the environmental quality, integrity or character of a designated LLPA. Features of importance include the seaward side of the coast road which is largely free from

development. This area is particularly sensitive where large numbers of motorists, pedestrians and cyclists using the coast road and related footpaths have extensive seaward vistas. This LLPA contains the Portrush – Portstewart SLNCI. The policy states that no further development will be acceptable and any replacement buildings including dwellings shall not increase the volume or height of the existing building/dwelling by more than 15%.

- 8.5 The height of the proposed self-catered units is similar to the dwelling permitted under C/1999/0192 which is still extant (LA01/2015/0678/LDE). The proposal is relatively similar in scale, massing and height to this previous permission and with regard to this issue substantial weight is given to the extant approval on the site. The matters of height, scale and massing are further considered within the report.

Principle of Self Catering Accommodation

- 8.6 Paragraph 6.255 of the SPPS states that 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.
- 8.7 Policy TSM 5 of PPS 16 permits Self-catering units of tourist accommodation in 3 circumstances. These are:
- (a) one or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
 - (b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;
 - (c) the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.

- 8.8 The proposal does not meet any of the above 3 criteria. The policy further states that, in either circumstance (a) or (b) above, self-catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.
- 8.9 However, the Agent has put forward an argument that the proposal meets the tests of TSM 5 and should be considered under criterion (b) – a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right.
- 8.10 The proposal includes erection of building comprising 3 no. self-catering units and associated site works. The agent argues the site is close to an existing tourist amenity – The North West 200 which includes spectator stands, ticket office and hospitality marquee, all of which are temporary.
- 8.11 The Agent provided an extract from a representative for Tourism NI which was in the Belfast Telegraph. “The North West 200 is Northern Ireland’s largest outdoor sporting event, attracting thousands of visitors, both internationally and locally for a spectacular festival of racing. The event is key for Northern Ireland tourism in its contribution to the local economy through hospitality and overnight stays.” It attracts about 100, 000 visitors per year so the agent considers the NW 200 to be a significant visitor attraction in its own right.
- 8.12 The Agent in their planning statement, argue the NW 200 is a tourist amenity as it is a leisure activity for both overnight visitors and same day visitors. The agent states a tourist amenity does not have to be a permanent attraction. They continue that it would be illogical to regard only permanent attractions as tourist amenities given the largely seasonal nature of tourism on the north coast. The Agent advises PPS 16 acknowledges tourist amenities “are diverse in terms of their nature, scale and function.”
- 8.13 PPS 16 provides a definition for a Tourist Amenity - *“An amenity, facility or service provided primarily for tourists, but does not include tourist accommodation”*.
- 8.14 Following assessment, it is determined that the NW 200 is not a tourist amenity. The NW 200 is Ireland’s largest outdoor sporting

event primarily for motorbike riders (participants) and spectators interested in motor sports. The circuit operates on public roads around the north coast but only occurs for one week every year so it is not a permanent attraction that requires planning permission and is therefore neither an existing or approved tourist amenity; as required under policy. Rather it is a transient event that occurs on only 2% (approx.) of the calendar year. To permit self-catering apartments for an annual sporting event held over 1 week would be wholly disproportionate and unsustainable contrary to the aims and provision of the SPPS.

8.15 The agent advises other tourist amenities in proximity of the site include the Golf Courses; Ringagree Point and Coastal Park; the Port Path/Causeway Coastal Walk; Portrush West Strand; Ramore Wine Bar; Barry's Amusements and the Royal Portrush Golf Club.

8.16 These are mainly tourist assets. Barry's Amusements may be considered a tourist amenity however, the proposal is not located within or close to it. The agent considers Barry's Amusements to be a temporary tourist amenity because it only operates 3 months of the year plus selected days in April and May. Barry's Amusement Park is a permanent structure/building in Portrush which is an established venue for tourists to attend. This facility could operate all year round if required. However, it is demand led. In any case, as Barry's Amusements is located in the urban area of Portrush approx. 2 miles away, it is not pertinent to the consideration of Policy TSM 5 which applies to self-catering accommodation in the countryside.

8.17 Under the previous planning application (LA01/2018/0197/F), Paragraph 7.26 in the Justification and Amplification section of PPS 16 has been referred to by the Agent in terms of a golf course being an example of a tourist amenity. This paragraph must be read in its entirety. It is clear that the text used in Para 7.26 applies to the delivering of a large project comprising both tourist amenity and self-catering accommodation elements. The policy uses an example of a golf course, such as a destination resort similar to Lough Erne Golf Club, Enniskillen or Gleneagles in Scotland. This proposal is the same as the previously refused application and it is a stand-alone application for self-catering accommodation, not associated with the delivery of a large tourism project. Assessment in relation to this application is that the site is

located on the same road as a Council owned and operated 9 hole golf course with pitch and putt. This proposal is in no way comparable to the example set out in Paragraph 7.26 and is not given determining weight in this case.

8.18 Furthermore, the Ballyreagh Golf Club is not a tourist amenity but a sporting facility and by its nature is not provided primarily for tourists. Paragraph 7.22 of the justification and amplification of Policy TSM 5 further expands that where units are proposed in association with a tourist amenity, the policy requires that the tourist amenity must be a significant visitor attraction in its own right.

8.19 Another matter for consideration is precedent. The agent states permitting sustainable development in accordance with the development plan and all other relevant planning policy would not set an undesirable precedent. The agent also advises the PAC confirm that approval of an application only sets a precedent for other developments where the circumstances are on all fours with the proposal. The agent advises as the principal tourist amenity in this case is the NW 200, there are no similar sites with the same set of circumstances in close proximity to it.

8.20 The NW 200 is a road track approx. 8.9 miles long between the towns of Portstewart, Coleraine and Portrush. It is too onerous a task to establish if there is another site on all fours with this application. It would require review of every extant planning permission for a dwelling over the last 20 years along a 8.9 mile road track to know if another site of similar circumstances exists. As the original permission was for a dwelling, it may be the case that there are other sites along the NW 200 road circuit that may exist and be extant and therefore the issue of precedent is a material consideration. If material weight is given to the circumstances of this site allowing it to hinge on the NW 200 track being seen as a tourist amenity, then it would likely open up several development opportunities for self-catering accommodation along the road circuit to the detriment of the local area and contrary to planning policy.

8.21 The proposal therefore fails to meet the requirements of criteria (b) of Policy TSM 5 as the 3 self-catered units are not provided at or close to a tourist amenity which is a significant visitor attraction in

its own right nor is the proposal ancillary to the primary tourism use of the site as there is none.

Policy TSM 7 - Tourism Development

8.22 A proposal for tourism use must meet the criteria below:

- a) A movement pattern is not considered necessary for this development as it is small scale and the site layout is appropriate in terms of access to each of the proposed units. The site is beside walking and cycling routes and is in proximity to a bus stop.
- b) The site layout, building design, infrastructure and landscaping arrangements are of a high quality and promote sustainability and biodiversity. The proposed contemporary design and materials/finishes are acceptable and in keeping with the modern architecture along the Ballyreagh Road.
- c) Boundary treatments are currently undefined but the proposed block plan shows that a wall is proposed along the southern boundary adjacent to the Ballyreagh Road. Other site boundaries will consist of walls and landscaping. Bins will be screened from public views.
- d) Drainage and surface water run-off in connection with this development is considered adequate and NI Water and DAERA: Water Management Unit have no objections.
- e) Crime and personal safety are not perceived to be an issue. Security lighting and alarms will be provided.
- f) No public art is proposed.
- g) The proposal is compatible with surrounding land uses. The built form of the proposal does not detract from the landscape quality and character of the surrounding area on the basis of significant determining weight being attributed to the extant planning permission. (See consideration under Policies CTY 13 & 14)
- h) The only residential properties near the site are Nos. 83 and 73 Ballyreagh Road with another house under construction but the proposal should not impact upon their residential amenity in terms of overlooking or overshadowing given large separation distances.
- i) It does not adversely affect features of the natural or built heritage. The proposal does not impact upon archaeological sites or monuments as HED: HM offers no objections. The proposal does not impact upon designated sites as both DAERA: Marine &

Fisheries Division, Natural Environment Division and SES have no objections.

- j) It is capable of dealing satisfactorily with any emission or effluent. Surface water is being disposed of via soakaways and foul sewage is being disposed of by the Mains. NI Water and Environmental Health were consulted and express no objections.
- k) Adequate access arrangements, parking and manoeuvring areas are provided and DFI Roads has no objections.
- l) Access to the public road will not prejudice road safety or inconvenience the flow of traffic and DFI Roads has no objections.
- m) The existing road network can cope with this development as the Ballyreagh Road is a wide, well-engineered road. DFI Roads was consulted and raises no objections.
- n) The development will be served by an access onto the Ballyreagh Road. Planning permission can be granted for an access onto a protected route outside settlement limits in 4 circumstances. The proposal would meet criteria (d) as access cannot reasonably be obtained from an adjacent minor road. DFI Roads was consulted and express no objections.
- o) The proposal does not encroach onto a public walkway or council owned land.

Visual Impact and Rural Character

8.23 The proposal in terms of layout is similar to the permitted scheme under C/1999/0192 as the access is at the same point, parking is to the rear (roadside) and the building's front elevation overlooks the sea. The replacement dwelling approved is a large split level dwelling with a floor area of 414m² and volume of 1688m³.

8.24 The proposed self-catering units have a volume of 1842m³ which is an increase of 154m³ (approx. 9%). The proposed accommodation provides 2 Apts with 3 bedrooms and 1 Apt with 4 bedrooms. The proposal is modern in design with finishes of Donegal granite, Rheinzink black cladding, timber cladding and board marked concrete to the walls and aluminium windows and doors. The northern elevation has a significant amount of glazing to maximise sea views.

8.25 Public views of the site are primarily when travelling either direction on the Ballyreagh Road and also from the walkways surrounding the site and the sea. The site itself is prominent with open views and development needs to respect the surrounding context.

8.26 It is considered the scale and massing of the development is very large with the depth excessive on both side elevations. The north elevation is dominant when viewed from the walkways and would appear contextually out of place when compared with the heights of Nos. 73 & 83 Ballyreagh Road. However, significant material weight has to be attached to the planning permission already approved. When this proposal is compared to the replacement dwelling approved, there is only small differences in terms of footprint, height and depth so the proposal in terms of scale, massing and size is permissible on this basis. The scheme overall is considered to be more appropriate in design than the extant permission and is more in keeping with other contemporary designs for other developments along the Ballyreagh Road.

8.27 The proposal has communal parking at the front, communal amenity areas to the north and south of the proposed building, and all apartments have balconies. The land surrounding the site is not subdivided for separate use by any apartments and the units are for holiday use.

8.28 To summarise, the scale, massing and design of the proposal is acceptable only when compared with the extant permission on the site. The development is a split level building that works with the contours of the site. Although the site has no defined boundaries and a building at this location can be easily viewed from the Ballyreagh Road and coastal walkways, development has already been approved on the site (replacement dwelling) which is extant so material weight is attributed to this. Giving material weight to the planning history of the site combined with the more appropriate design of the proposal, it is therefore compliant with Policies CTY 13 & 14 of PPS 21.

Archaeology

8.29 The application site is in proximity to the Neolithic occupation site which is of local importance. HED: HM was consulted and express no objections subject to conditions for the agreement and implementation of a developer funded programme of archaeological works. Although some of the application site has been developed in the past, the extended footprint of the

development and associated service areas would require archaeological mitigation. The proposal satisfies the requirements of Policy BH 2 of PPS 6.

Access

8.30 The development will be served by an access onto the Ballyreagh Road. DFI Roads was consulted in relation to this development and express no objections. The proposal is acceptable in terms of the parking requirement for this development and road safety. The proposal complies with the requirements of Policy AMP 3 of PPS 3.

Natural Heritage

8.31 The proposal is within proximity to European and national designated sites such as the Skerries and Causeway SAC which is designated for sandbanks which are slightly covered by sea water all the time, reefs, submerged or partially submerged sea cliffs and Harbour Porpoise. Consultation occurred with DAERA: Marine & Fisheries Division who have no objections. The site is set back from the marine environment and is unlikely to have a significant impact providing appropriate pollution prevention measures are implemented.

8.32 DAERA: Natural Environment Division provided comment on natural heritage interests. The agent submitted a Biodiversity checklist and Ecological statement upon request. NED note there are no trees or suitable existing structures within the site that could provide roosting opportunities for the local bat population. Due to minimal amount of construction works and the location of development, NED are content that natural heritage interests will not be impacted by this development.

8.33 Shared Environmental Services was consulted and advise having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European Site.

8.34 The proposal complies with Policies NH 1, NH 2 and NH 5 of PPS 2 as there is no harm to protected species, habitats or European sites.

Habitats Regulations Assessment

8.35 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 of any European Site.

9.0 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 fails to meet the criteria of Policy TSM 5 of PPS 16 and the 3 self-catered units are not provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.260 of the Strategic Planning Policy Statement for NI and contrary to Policy TSM 5 of PPS 16 Tourism in that the proposal does not meet any of the stated circumstances in which planning approval will be granted for self-catering units in the countryside, and is not provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right.

Site Location Plan



