

Planning Committee Report LA01/2016/1514/F	19th December 2018
PLANNING COMMITTEE	

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

<u>No:</u> LA01/2016/1514/F	<u>Ward:</u> Giant's Causeway
<u>App Type:</u> Full Planning	
<u>Address:</u> 19 Causeway Road Bushmills	
<u>Proposal:</u> Farm Diversification for an "Open Farm" to include an education exhibition area, animal petting areas, a farm café, a party room and activity area, milking viewing area and associated toilets and car parking	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 08.12.2016
<u>Listed Building Grade:</u> n/a	
Agent: Big Design Architecture, 12 Novara Park, Antrim, BT41 1PA	
Applicant: Christopher J Lynch, 19 Causeway Road, Bushmills, BT57 8SU	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 6

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 on a laneway off Causeway Road and is located within an existing farmyard and proposes to use existing buildings located within the farmyard. Two dwellings are also located in proximity to the site. The lands are currently used for agricultural purposes and currently some of the buildings are being used as a party room and activity centre. There is a large area of hardstanding located toward the front of the site. The site is surrounded by the existing farmyard and wooden fencing is located along the frontage of the site. The site is currently accessed by a long laneway which runs through the farm yard and the site sits above the main road.
- 2.2 The proposed site is located within the rural area as designated by the Northern Area Plan 2016. It is located within the Distinctive Landscape Setting for the Giants Causeway World Heritage Site and is within The Causeway Coast AONB. There is also an archaeological monument located in proximity to the site. The character of the area consists of agricultural lands with agricultural buildings and some dwellings. Housing surrounding the site includes a 2 storey farm house and another two storey dwelling.

3 RELEVANT HISTORY

E/2010/0272/F Extension to existing dwelling.
19 Causeway Road, Bushmills
Permission Granted 30.03.2015

4 THE APPLICATION

- 4.1 Farm Diversification for an "Open Farm" to include an education exhibition area, animal petting areas, a farm café, a party room and activity area, milking viewing area and associated toilets and car parking.

Habitats Regulations Assessment Screening

- 4.2 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) Regulations (Northern Ireland) 1995 as the proposal does not have a hydrological link as a pathway for pollution to a European Site. The proposal would not be likely to have a significant effect on the features, conservation objectives or status or any of these sites.

Environmental Impact Assessment

- 4.3 This proposal is considered to fall within Category 10 (B) of Schedule 2- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. As part of the process to determine whether an Environmental Statement was required, consultations were carried out with the competent authorities. Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 and taking into account the above information, it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement. This determination was made on 03/12/2018.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** No objections received

Internal

5.2 **Transport NI:** Has no objection subject to conditions.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal

DAERA: No objection

DAERA Water Management Unit: No objection.

DAERA Landscapes: Has objected to the proposal.

Historic Environment Division: Has no objection to the proposal.

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:
1. 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 3 (PPS 3) Access Movement and Parking

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and The Built Heritage

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, Farm Diversification, Assessment of Café, visual integration and rural character, impacts on the AONB and roads issues.

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.

Distinctive Landscape Setting

- 8.3 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.
- 8.4 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.

- 8.5 The proposed development will include provisions for an educational exhibition area, animal petting areas, a farm café, a party room and activity area, milking viewing area and associated toilets and car parking. The subject application has been assessed against the provisions of Policy COU 4 and the proposal is not permitted by the specific terms of that policy. The policy is clear that “no development” shall be permitted except for the specified exceptions. Having regard to this a change of use of a building is considered development in line with section 23 paragraph 1 of The Planning Act 2015. This proposal also includes provisions for a large car parking area which is operational development. It is considered that this proposal fails to meet the exception test. Therefore the development is unacceptable as it contrary to Policy COU 4.
- 8.6 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. Having regard to BH 5, it is considered that there are no 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. The proposed development given its visual impact having particular regard to the car parking area will have a detrimental impact on this designated area. Therefore the proposal is contrary to PPS 6.

8.7 A supporting statement was submitted on 14th September 2018 and reference was made to another approval under application reference LA01/2017/0331/F. This involved a change of use of a building to a dwelling within the Distinctive Landscape Setting for the Giant's Causeway World Heritage Site. Within this statement it was stated that this proposal would only have had a slight increase in the visual impact of the existing building. It was also stated that this application should be approved because;

1. The car parking for the proposed development is situated on an existing area of hard standing, which will be planted out and screened with a dense zone of vegetation which will also screen the existing farm buildings. Given this it was stated that there would be a significant planning gain. The car parking area will be finished in Grasscrete which will further reduce the visual impact of the car parking area.
2. The applicant could potentially increase the area of hardstanding under his agricultural permitted development rights. This in itself would increase the visual impact of this farm within the sensitive setting.
3. The proposal would enhance the tourist based economy of the immediate area. Support letters have been received to highlight how exiting tourism businesses would welcome the proposal. It was stated that the proposed development would be housed within existing farm buildings and would provide a unique family orientated experiential learning experience which would cause no harm to the local landscape.

8.8 Reference is made to a previous approval application reference LA01/2017/0331/F which involved the change of use of a building to a dwelling at lands 10 metres east of 53 Bushfoot Road Portballintrae. This application was recommended for refusal by officials as it did not meet the exceptions as set out in Policy COU 4. However, this application was referred to the Planning Committee and was subsequently approved. In the consideration of this application the Planning Committee had particular regard to the limited visual impact the proposed development would have on the DLSG. This application is of a

much larger scale and the proposed parking area would have a much greater visual impact on this sensitive area than the development approved under application reference LA01/2017/0331/F.

8.9 Within the supporting statement it was also stated that the car parking area would be finished in grasscrete and would be screened by proposed vegetation which would reduce the visual impact of the proposed development. Although grasscrete is proposed for the parking area this is not enough to reduce the overall visual impact of this area on the Distinctive Landscape Setting and the AONB. A full consideration of the visual impact of the proposed development can be found under paragraph 8.22 to 8.24 of this report. Notwithstanding the visual impact, the principle of the development is unacceptable.

8.10 It was also stated that the applicant could increase the amount of hardstanding under their agricultural permitted development rights. However, under Part 7 of the Schedule to the Planning (General Permitted Development) Order 2015 any increase in the amount of hardstanding would have to be reasonably necessary for the purposes of agricultural within that unit. Furthermore, the appearance of the hardstanding area would be materially different for laid out car parking relative to a yard used for agricultural purposes. The car parking use would appear more conspicuous and alien to the landscape relative to the use of the area for agricultural purposes.

8.11 Reference was also made to the tourism based economic benefit of the proposed development. Six letters of support from businesses located within the Bushmills area were received on this application. This included a letter from Ballyness Caravan Park, Causeway Coast Wigwams, Ballylinney Cottages, The Bushmills Inn Hotel and Restaurant, Walkmill Holiday Cottages and Dunluce School. Within these letters it was stated that;

- The Causeway Fun Farm is a fantastic resource for our guests as it provides entertainment facilities for our customers.
- This project would be an asset to the local tourist sector given the opportunity. There is a need to provide more

family orientated days out and activities within the area. The development would provide an indoor facility when the weather is poor.

- Provides excellent family activities and learning opportunities and is a positive addition to the tourism offering on the causeway coast.
- It is well integrated within existing buildings and has little or no environmental impact. Keen to promote small businesses within the area.
- Provides indoor and outdoor facilities and car parking and there is a need to offer things to do for all ages within this area to encourage visitors to return.
- Potential benefit to local children and school visits as education on nature, the environment and animals is something every child should have the opportunity to experience first-hand.
- Provides a large variety of interests for people of all ages and can accommodate large numbers of people in all weathers.
- Allowed Dunluce School to promote curricular activities and active learning which otherwise would not be possible.
- The fun farm offers a fun, friendly, safe, interactive learning hub where pupils can go and participate in ongoing project work, not only with the animals, but providing the opportunity to experience all seasons in farming life taking part in planting, cultivating and harvesting throughout the year.
- The fun farm provides locally an aspect of contact for children which may otherwise not be available and enriches the local area.

8.12 Although the development may provide a facility for people visiting the area and will have some economic benefit, the proposed development still remains contrary to Policy COU 4 of the Northern Area Plan as it does not meet the exceptions as set out in this policy. In this case, the proposed development will provide a facility to meet the needs of tourist and visitors to the general area, and while individuals may or may not choose to avail of facilities at or visit the WHS, the proposal is not related to the direct needs of the visitors. As it is considered the proposal does not meet the direct needs of visitors specifically to the World Heritage Site, it does not qualify as an exception under this test. No further information in regard to the economic

benefit of the proposed development has been submitted in support of this scheme.

- 8.13 COU 4 is an adopted policy within the Northern Area Plan and any decisions should be taken in accordance with it. No other material considerations have been presented in relation to this application that warrant setting aside NAP, and as the proposal is contrary to the adopted plan it is unacceptable.

Farm Diversification

- 8.14 The proposed development will also be assessed having regard to Policy CTY 11 of PPS 21 which relates to farm diversification projects. Planning permission will be granted for farm diversification proposals where it is demonstrated that it is to be run in conjunction with agricultural operations on the farm. The following criteria also applies,

- a) the farm business is currently active and established,
- b) in terms of character and scale it should be appropriate to its location,
- c) the development should not have an adverse impact on the natural or built heritage and
- d) it should not have a detrimental impact on the amenity of neighbouring dwellings.

- 8.15 A P1C form was submitted with the application and a consultation was sent to DAERA. Through this consultation it was identified that the existing farm business has been active for at least 6 years and had claimed Single Farm Payment in the last 6 years. Therefore the proposed development meets with criteria (a) of this policy.

- 8.16 The proposed development relies on existing and proposed vegetation and the topography of the lands in an attempt to integrate into the surrounding landscape. The proposal also includes provisions for a large car parking area located to the front of the site. Although the car parking area will be screened with proposed vegetation and will be finished in grasscrete, it is considered that the car parking area will have a detrimental impact on rural character due its scale and visual impact. In terms of character and scale the proposed development is therefore not appropriate at this location.

- 8.17 A further assessment of criteria b) & c) are examined in detail under paragraphs 8.22, 8.23 and 8.24 of this report.
- 8.18 It is unlikely the proposed fun farm would have a detrimental impact on the amenity of nearby residents through noise, smell or pollution. Environmental Health was consulted in regard to the application and raised no concern.
- 8.19 As the proposal is inappropriate in terms of character and scale at this location, for the specific reasons given in paragraphs 8.5, 8.6 and 8.16, the proposal is contrary to Policy CTY 11 of PPS 21.

Assessment of Cafe

DCAN 4: Restaurants, Cafes and Fast Food Outlets

- 8.20 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.
- 8.21 The existing building is used as a dining room and sunroom for an existing B&B and is not currently used for retail purposes. In terms of size this proposal is small scale with an overall floorspace of 104 square metres. The proposed café will make

use of an existing building on site. There will be no detrimental impact on neighbouring properties in terms of amenity as there will be no overlooking. As this is a café the proposal will have the potential to create noise disturbance, smells and fumes and litter. Environmental Health have been consulted and are content with the proposal subject to informatives. 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

8.22 DAERA Protected Landscapes team was consulted in relation to this application as the proposed development is located within the Distinctive Landscape Setting to the Giants Causeway World Heritage Site and the Causeway Coast Area of Outstanding Natural Beauty. It was stated that there may be potential negative impacts from the development as a result of increased movement of vehicles, parking on the site, sight line realignment and proposed screen planting which is not appropriate in terms of species and purpose and the fact that the site is on elevated lands to which there are long range views.

8.23 In terms of visual integration, the site is located on an elevated site and although the majority of the development is located within existing buildings there is a large parking area located to the front of the site. This area will have detrimental visual impact on the rural character of the area. Although planting is proposed to screen this parking area, DAERA Protected Landscapes advise that artificial screen planting in itself is inappropriate in this sensitive landscape. It was also considered that given the exposed nature of the site and surrounding area, it is unlikely that trees would successfully establish and grow to an appropriate height and speed to screen the parking area. Views of the buildings associated with this scheme will be restricted through the existing built form. However, the large car parking area will be located toward the front of the site which will be visible from Causeway Road and it is considered that this particular feature will have a detrimental impact on the existing rural character of the area.

8.24 Given this, the proposed development would be considered contrary to Paragraph 6.70 of the SPPS as the applicant has failed to appropriately demonstrate the visual impact of the proposed development and the ancillary works do not integrate effectively with their surroundings and would damage rural character. Paragraph 6.70 of the SPPS requires that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

Impact on the AONB

8.25 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.

8.26 The proposed development is stepped back from the main road and involves the change of use of existing buildings located on the farm. The proposal also includes provision for an area of hardstanding to be used for parking along the frontage of the site which will have a detrimental impact on this designated area. DAERA Protected Landscapes raised concerns in regard to the impact of the development and the provision of trees which themselves would not be in keeping with the character of the area. Given the visual impact of this proposal it is considered that the development would have a detrimental impact on the character of this Area of Outstanding Natural Beauty and is therefore contrary to Policy NH 6 of PPS 2.

8.27 The proposal is therefore contrary to Policy NH 6 of PPS 2 as it will result in having an unacceptable impact on the AONB.

Roads Issues

8.28 DFI Roads has raised some concern in relation to the proposed development. Amended plans have now been received and DFI Roads are now content with the proposed development. It is considered that the proposed development would not

prejudice road safety or significantly inconvenience the flow of traffic. The proposed development therefore complies with Policy AMP 2 of PPS 3 Access, Movement and Parking.

Enforcement Action

- 8.29 An enforcement notice was issued on the lands associated with 19 Causeway Road on 10th October 2018 for an authorised fun farm (ref. LA01/2018/0054/CA). Elements of this fun farm are associated with this application.

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 as set out under Designation COU 3 of the Northern Area Plan, and does not fall within the exceptions for development as set out in Policy COU 4. The proposal is contrary to paragraph 6.70 of the SPPS. The proposal will also have an unacceptable impact on the Causeway AONB and is contrary to policy NH6 of PPS 2. This proposal includes provisions for a Farm Diversification project but as the proposal is inappropriate in terms of character and scale at this location, the proposal fails to comply with CTY 11 of PPS21. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to paragraph 6.73 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 6.73 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 6.70 of the SPPS as it has not been demonstrated that the proposal will not be unduly prominent in this sensitive landscape; and the ancillary works do not integrate with their surroundings and would damage rural character.
4. The proposal is contrary to policies CTY 11 of PPS 21: Sustainable Development in the Countryside as the proposed development is inappropriate in character and scale for its location within the Distinctive Setting of the World Heritage Site and the Causeway Coast Area of Outstanding Natural Beauty.
5. The proposal is contrary to Policy NH 6 of PPS 2: Natural Heritage as the siting and scale of the proposal is not sympathetic to the special character of the Causeway Coast Area of Outstanding Natural Beauty and it fails to respect the character, appearance and heritage of the landscape.

Site Location

