

Planning Committee Report – Agenda Item 5.14 LA01/2017/0331/F – Bushfoot Road, Portballintrae	28th 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	Principal Planning Officer
Cost: (If applicable)	N/a

**Bushfoot Road
Portballintrae
LA01/2017/0331/F**

28th February 2018

<u>No:</u>	LA01/2017/0331/F	<u>Ward:</u> PORTRUSH and DUNLUCE
<u>App Type:</u>	Full Planning	
<u>Address:</u>	Lands adjacent to public car park and approximately 10m east of No 53 Bushfoot Road Portballintrae	
<u>Proposal:</u>	Conversion and alteration of historic vernacular building to provide new detached dwelling unit.	
<u>Con Area:</u>	No	<u>Valid Date:</u> 02.03.2017
<u>Listed Building Grade:</u>	N/A	
Agent:	Donaldson Planning, 50A High Street, Holywood, Co. Down, BT18 9AE	
Applicant:	Mr Seymour Sweeney 'The Old Barn' 6 Seaport Avenue Portballintrae, Co. Antrim, BT57 8SB	
Objections: 5	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

1.0 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 condition set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a single storey building. The red line outlines the footprint of the building, there is no defined curtilage and no additional land is included within the application site. The building is set to the rear side parking area of Bushfoot Golf Links. The site is also adjacent to a cluster of dwellings, albeit it

is slightly removed being divided by a laneway which accesses the rear of the cluster.

- 2.2 The building is single storey with a large single opening to the gable end. The walls are rendered and the roof is finished with corrugated fibre sheeting. There is a small flu through the roof indicating that a boiler is likely contained within the building.
- 2.3 The site is located within the rural area to the east of Portballintrae. The land falls within the Causeway Coast Area of Outstanding Natural Beauty and the Distinctive Landscape Setting of the Giant's Causeway as defined by the Northern Area Plan 2016.

3.0 RELEVANT HISTORY

- 3.1 There is no relevant planning history.

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the Conversion and alteration of historic vernacular building to provide a new detached dwelling unit.

5.0 PUBLICITY & CONSULTATIONS

- 5.1 Five objections have been received. The issues raised include the lack of amenity space around the building also highlighting that the applicant is not in ownership of adjacent lands.
- 5.2 Potential conflict with access to a right of way to the rear of the existing properties; proposed parking which was indicated on the initial plans and the lack of utilities serving the property.
- 5.3 In considering these points the Planning Authority have requested the removal of the indicative parking as this is not within the red line of the application site. The issue of amenity and the lack of useable curtilage afforded to the proposal are addressed below.
- 5.4 With regards the lack of utilities, there is no requirement under policy that such infrastructure has to be in place. Consultation has been undertaken with NI Water who has not indicated any constraint within regards connection.

Internal

DFI Roads Service – No Objection

NI Water – No Objection

Environmental Health Department – No Objection

Department for Communities - HED – No Objection

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)

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact on the Distinctive Landscape Setting of the Giant's Causeway. The provision of residential amenity space and the impact of the proposed development on the character of the rural area.

Planning Policy

8.2 The site is located within the rural area to the east of Portballintrae. The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy document specified above.

Northern Area Plan 2016

8.3 The site falls within the Causeway Coast Area of Outstanding Natural Beauty and the Distinctive Landscape Setting of the Giant's Causeway as defined by the Northern Area Plan 2016.

Policy COU4: The Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site.

- 8.4 The policy prohibits all development within the designation with the following exceptions:
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 Development proposals within the designation are subject to particular scrutiny. The policy establishes a presumption against all development with the exception of the three examples outlined above. Therefore there is no provision for the proposed conversion. The Agent has submitted a statement of case which contends the appropriateness of COU4. It is argued that the lack of specific reference to conversions should result in the Policy being set aside. To further the argument appeal reference 2015/A0138 for the

conversion of a garage to living accommodation at 269 Whitepark Road Bushmills, is highlighted as an apparent example of COU4's unsuitability.

- 8.6 In considering the argument the policy should not be set aside. COU4 is very clear in prohibiting **all development** bar the three defined exceptions. Change of use is development. Conversions or change of use applications are not included within the three exceptions and as such are not acceptable.
- 8.7 The referenced appeal deals with the alteration of a domestic garage to ancillary living accommodation. It did not involve a change of use and the proposal would have been considered an exception to COU 4 under the second criterion; the commissioner having considered that "the link structure would not be more than 20% of the cubic content."
- 8.8 The Agent also argues that the express purpose of the policy is to protect the balance of landscape and built form and that a change of use will not impact on upon the wider landscape.
- 8.9 Again the Planning Authority is not inclined to accept this interpretation of the development. While the visual impact of the conversion is limited, it is the intent of the policy to protect the landscape setting from the ancillary works which would result as part of the change of use.
- 8.10 The grant of planning permission would establish permitted development rights. Even if restricted it would be unreasonable to refuse permission for, security lighting, car parking, garages sheds, stores, bins etc. Although the footprint of the site is very restricted it is not unreasonable to consider an extension to the site area over time.
- 8.11 As such it is misguided to consider that the change of use will have no impact upon the immediate or wider landscape. Nor is it question of the material harm that would result. By establishing a presumption against all development bar the defined exceptions, it is the intent of the policy to protect the landscape from the cumulative impact of development and ancillary development, which individually may not result in material harm.

Residential Amenity

- 8.12 In relation to the conversion and re-use of existing buildings for residential use the SPPS states: provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.
- 8.13 The wording is similar to Policy CTY4 of PPS21 which states: Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses subject to criteria.
- 8.14 In this respect, there is no objection to the principle of the conversion. However, the lack of curtilage and basic amenity space results in a building that is wholly unsuitable for conversion to residential use and would result in demonstrable harm to the character of the rural area.
- 8.15 The Agent has provided a statement of case which dismisses the need for private amenity space as it is not a criteria of CTY 4. Again the argument is supported by appeal reference 1998/A298 for a development of 11 townhouses at 8 – 42 Raby Street, Belfast, which outlines the Commissioner's vision for a market led planning system.
- 8.16 Paragraph 4.9 of the SPPS states: The need for adequate private, semi-private and public amenity space is a prime consideration in all residential development and contributes to mental and physical well-being and the strengthening of social cohesion.
- 8.17 The commissioner's assumption that single people and childless couples do not want back gardens may be true in the context of central Belfast. However given the location of the site it is highly likely that the purchaser will require reasonable space. Having regard to this location it is less the size of private amenity space but rather its practical value. It should offer a degree of private amenity to ensure that the property is

fit for purpose and provides a positive design which promotes wellbeing.

- 8.18 The Agent has argued that paragraph 4.9 of the SPPS is not operational policy and cannot be applied. However it's inclusion as a core principle outlines its significance as a fundamental requirement of sustainable development.

Integration and Character

- 8.19 Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.20 In this case while it is accepted that the building is an established feature, the ancillary development of domestic paraphernalia which would likely and to some extent necessarily follow, would fail to integrate. If planning permission was granted for the change of use, it would be unreasonable to refuse planning permission for such ancillary development as it would likely be argued essential to support/enable residential use.
- 8.21 The application site lacks any natural boundaries and is unable to provide any sense of enclosure to help ancillary development to integrate into the landscape. The building is somewhat divorced from the cluster of dwellings which exacerbates the integration issue, with the building standing in isolation within the corner of a car park.
- 8.22 Critical views of the site are from the adjacent public carpark, pathways and golf course with longer views from the surrounding area. The failure to provide even a buffer of land around the building means that the site cannot introduce new planting to offer some degree of integration for ancillary development. It is evident from neighbouring dwellings how the provision of a low level wall and moderate soft landscaping can help to soften the overall impact of a building and its ancillary development.
- 8.23 The inability of the site to integrate into the surroundings results in the building and its ancillary development being prominent. As such the proposed development would be contrary to Paragraph 6.70 of the SPPS.

9.0 Conclusion

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations. When considered in the context of the policies outlined above officials consider that the proposed development fails to meet with the permitted exceptions allowed in the Distinctive Landscape setting of the Giant's Causeway. The proposal fails to provide adequate private amenity space. In addition, ancillary development associated with the use of the building as a dwelling would fail to integrate. Refusal is recommended.

10.0 Refusal Reasons

- 10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland 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.
- 10.2 The proposal is contrary to paragraph 4.9 of the Strategic Planning Policy Statement for Northern Ireland, in that the development as proposed fails to provide a quality residential environment by reason of inadequate private amenity space for a permanent residential unit.
- 10.3 The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement in that: the proposed building is a prominent feature in the landscape, lacks long established natural boundaries and is unable to provide a suitable degree of enclosure and therefore would not visually integrate into the surrounding landscape.

