

<b>Planning Committee Report – Agenda Item 5.1 LA01/2016/1570/F – Lands Adjacent to 10 Sunnyvale Avenue, Portrush</b>	<b>28<sup>th</sup> February 2018</b>
<b>PLANNING COMMITTEE</b>	

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

**Lands adjacent to 10 Sunnyvale  
Avenue, Portrush, BT56 8JH**

**LA01/2016/1570/F  
Full Planning**

**28<sup>th</sup> February 2018**

<b><u>App No:</u></b>	<b>LA01/2016/1570/F</b>	<b><u>Ward:</u></b>	<b>Portrush and Dunluce</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lands adjacent to 10 Sunnyvale Avenue, Portrush, BT56 8JH</b>		
<b><u>Proposal:</u></b>	<b>Retrospective Application for 3 No. Stone pillars, double and single gates and stone wall to replace previous metal railings and gates.</b>		
<b><u>Officer:</u></b>	<b>Joshua Chisim</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>19<sup>th</sup> December 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b><u>Applicant:</u></b>	<b>Cloughorr Investments Ltd</b>		
<b><u>Agent:</u></b>	<b>Bell Architects Ltd, 65 Main Street, Ballymoney, BT53 6AN</b>		
<b><u>Objections:</u></b>	<b>14</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 This site is located to the south of Bushmills Road, Portrush and adjacent to 10 Sunnyvale Avenue. The site consists of a private laneway and the erected gates, pillars and wall under consideration. The laneway continues to the north of the site where it serves properties 8, 9 and 10 Sunnyvale Avenue. To the west of the site are properties 19, 21 and 23 Randal Park. To the east of the site is an entrance to the rear garden of 2 Sunnyvale Avenue. To the south of the site is the extension to

the Golf Links holiday homes park through which the erected single and double gate access into.

- 2.2 The majority of the redline boundary of the site is located within the settlement limit of Portrush as defined in the Northern Area Plan 2016. The southern boundary of the site which includes the gates, pillars and wall, subject of this application, abut the Golf Links holiday park and are located outside the defined settlement limit.

### **3 RELEVANT HISTORY**

C/2011/0116/F

Proposed extension to existing holiday homes park to provide 57 No. units and storage compound.

Golf Links holiday homes park, Bushmills Road, Portrush  
Granted 03.08.2011

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the retention of 3 stone pillars, double and single gates and a stone wall.
- 4.2 The erected pillars are approximately 2.495 metres in height and the erected wall is approximately 2 metres in height. Both are finished with natural stonework and concrete copings. The double gate has a width of approximately 3.26 metres and the single gate a width of approximately 1.265 metres. Both gates are constructed with PPC and are finished in black.
- 4.3 The gates allow access from the rear of the holiday homes park onto a private laneway which connects into Sunnyvale Avenue. The single gate is to be used for pedestrian access and the double gate is to be for vehicular access for maintenance purposes.
- 4.4 The proposal replaces an existing gate and fence which were located in the same position as that of the erected gates, pillars and walls. These gates and fences were approximately 2.295 metres in height.

4.5 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External

**Neighbours:** There are 14 objections to this proposal.

The objections raised matters of concern in relation to:

- Noise and disturbance (anti-social behaviour).
- Safety concerns in relation to access arrangements onto Bushmills Road and access and travel along Sunnyvale Avenue and the private lane.
- Non-compliance with approved application for the extension to the holiday homes park.
- Human Rights.
- Unauthorised access onto private lane.
- Impact on the character of the area.
- Security at the holiday homes park.
- Prohibition of the usage of the access by the Planning Appeals Commission.
- Need for an additional access point.

### 5.2 Internal

**Transport NI:** raised concerns in relation to the access arrangements.

**NI Water:** has no objection to the proposal.

## 6 MATERIAL CONSIDERATIONS

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

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 16: Tourism

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development and; other matters.

### **8.2 Planning Policy**

The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

8.3 The red line boundary of the site is located both within and outside the settlement limit of Portrush. The site is not zoned for any specific use in the NAP. As works subject to this application

(the stone pillars, gates and stone wall) are located outside the settlement limits, and the proposal will serve the existing holiday park located outside the settlement limit, the application has been assessed under the relevant planning policy for this type of location.

- 8.4 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.

### **Principle of development**

- 8.5 Paragraph 6.255 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 within the built and natural environment.
- 8.6 It goes onto explain that acceptable tourist development in the countryside may include a new or extended holiday park that must be of a high quality and sustainable form of tourism development. It continues under paragraph 6.265 stating that a positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context. Paragraph 6.266 says that applications for tourism development will also be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts so as to ensure high quality, safe and otherwise satisfactory forms of development.

The gates, pillars, walls and the holiday park are located outside the settlement limit. As such, PPS 21: Sustainable Development in the Countryside is of relevance. Policy CTY 1 refers to a range of types of development which in principle are considered to be acceptable in the countryside. The policy refers to tourism development and refers us to the TOU Policies in the Planning Strategy for Rural NI (PSRNI) which has since been superseded by PPS 16: Tourism. The most relevant policies to this proposal are TSM6 and TSM7 of PPS16, and the provisions of the SPPS

outlined above.

### **Policies TSM 6 and 7 of PPS 16 Tourism**

- 8.7 Policy TSM 6 relates to New and Extended Holiday Parks in the Countryside. Criterion (e) is of particular relevance to this application. It is considered below:

*(e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;*

- 8.8 The proposal relates to the retention of gates, walls and pillars which replaced existing gates and fencing at the same location. The design and materials of the walls, gates and pillars matches that of the main Golf Links entrance and are considered to be more visually appealing than the previous gates and fencing at this location. The scale and height of the pillars, gate and wall are modest and would not have an adverse impact on the character of the surrounding area.
- 8.9 The proposal under consideration is gates, walls and pillars which serve the holiday homes park. These gates, walls and pillars have replaced the gates and fencing serving Sunnyvale Avenue. As the access onto Sunnyvale Avenue from this point has been long standing via the gates and fencing, it is considered that the principle of access via this point to be established.
- 8.10 Alterations to the development are included with respect to the internal road layout of the holiday park which is located within the blue line. The road has been amended to serve the gates onto Sunnyvale Avenue. These amendments are not significant in planning terms. The gates, walls and pillars have replaced gates and fencing at the same location. The principle of access from this point is acceptable and is therefore appropriate for the site and locality. It is considered that criterion (e) is therefore satisfied.
- 8.11 Policy TSM7 relates to design and general criteria for tourism development. In terms of design the pillars, wall and gates together with the proposed planting provide a suitable means of



enclosure and appropriate boundary treatment. They are compatible in scale to the surrounding area and will not harm the amenity of nearby residents.

### **8.12 Access**

Objectors raised concerns in relation to access arrangements onto the Bushmills Road and access and travel along Sunnyvale Avenue and the private lane. The gates, pillars and walls erected provide a vehicular and pedestrian access connecting Sunnyvale Avenue and the caravan park. Information submitted from the agent states that the vehicular access is to be used for maintenance and emergency access purposes only. To accommodate the gates, pillars and walls, amendments to the internal layout approved under C/2011/0116/F have been made. These amendments are not significant in planning terms. The creation of an access point between adjoining lands for pedestrian usage does not require planning permission. Any issue regarding land ownership of the private road along Sunnyvale Avenue upon which these gates access, is a civil matter between the owner of the road and the caravan park.

DFI Roads was consulted on the proposal and responded with concerns. These concerns were in relation to the provision of an additional access which did not reflect the approved plans for the Holiday Homes Park extension which indicated a planted buffer along the boundary. They noted that if there were gates located at the site previously that the access was only for maintenance and did not constitute a vehicular access. As the access is longstanding, the principle of access via this point is acceptable. The vehicular access will be conditioned to be used for maintenance and emergency access only. As the gates will be used for maintenance and emergency access only, vehicles using the gates and travelling along Sunnyvale Ave will be limited.

### **8.13 Other Matters**

Objections have been addressed where possible under the consideration above. The other matters include the objections regarding:

#### 8.14 *Anti-social behaviour*

Noise and disturbance issues were raised with respect to pedestrian use of the gates and anti-social behaviour along Sunnyvale Avenue. However, increased pedestrian use is likely to mitigate potential anti-social behaviour.

#### 8.15 *Non-compliance with approved application C/2012/0116/F*

Non-compliance with the approved application (C/2011/0116/F) for the extension to the holiday homes park was raised. The planted buffer as indicated on the approved drawings cannot be enforced as it was not conditioned on the approval for this application. New boundary planting is indicated on block plan 03A, date stamped 1<sup>st</sup> September 2017 of this application and a condition will be placed on any approval that this planting would have to be carried out during the first available planting season. Amendments to the internal layout were required to facilitate entry to the erected gates.

#### 8.16 *Character of the Area*

Impact on the character of the area was raised. It is considered that there will be no adverse impact on the character of the area from the proposal. The gates are not substantially different to the previous gates with respect to scale and massing. The design and materials are similar to that of the main entrance to the Golf Links Park and are considered to be acceptable. As access from this point has been established via the previous gates and fencing, it is considered that the proposal will not detract from character of the surrounding area.

#### 8.17 *Security Arrangements*

The security arrangements in operation at the holiday homes park are not a material consideration for this application and are a matter between the owner and the complainant.

#### 8.18 *Human Rights*

The impact on human rights is dealt with under human rights legislation are considered in planning policy formulation. The

proposal is considered to comply with policy.

#### 8.19 *Unauthorised Access*

The issue of unauthorised access onto private lane has been raised. Certificate A of the P1 form accompanying the application has been completed to indicate possession of the land. Disputes over land ownership are not a material planning consideration and are a civil matter between the two parties.

#### 8.20 *Planning Appeal decision for Housing Development*

Appeal case 2004/A363 was referred to by an objector with respect to the prohibition on the usage of Sunnyvale Avenue as an access. The application to which this appeal relates is C/2004/0824/O which sought outline approval for 85-95 dwellings. The appeal was upheld and included a condition stating that no access should be allowed down through Sunnyvale Avenue. Inclusion of this condition was on recommendation of the Planning Authority who raised the issue of access via Sunnyvale Avenue through their Statement of Case. The issue of access via Sunnyvale Avenue was raised with respect to the consultation response from Roads Service. They stated that the road was sub-standard and the access geometry would be unsuitable for additional traffic. They formed the opinion that additional vehicular and pedestrian traffic on to Sunnyvale Avenue would adversely impact on the privacy and amenity of residents living on the street frontage.

8.21 It is noted from the objector that the boundary with Sunnyvale Avenue was formerly a post and wire fence which was replaced with a gate and fencing approximately around the time of this housing application. The gate and fencing which is referred to is a longstanding access and can be seen in photos dated August 2006 included within Drawing No. 02 dated 19<sup>th</sup> December 2016. Due to the longstanding nature of these gates and fencing, the principle of access via Sunnyvale Avenue is therefore established. The comments made regarding additional traffic and the privacy and amenity of residents, are with respect to an application for the provision of 85-95 dwellings which will generate a significant amount of traffic. This differs from the proposal under consideration which will only allow vehicular access for maintenance and emergency purposes and will

restrict pedestrian access via a timer and access codes. The volume of movement via Sunnyvale Avenue will therefore be restricted with respect to the proposal under consideration. The comparison of this proposal with the application of the condition on C/2004/0824/O is due to a different circumstances which is not appropriate.

#### 8.22 *Need*

The need for the additional access point is a matter for the owner. There is no policy requirement that need for an additional access point should be justified.

### **9 CONCLUSION**

The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations. The erected stone pillars, gates and wall, replace previous gates and as such the principle of the usage of the erected gates as an access have therefore been established. The design is acceptable. The vehicular access will be restricted to maintenance and emergency vehicles associated with the holiday park. Approval is recommended.

## 10 Conditions

1. This approval is effective from the date of this decision notice and is issued under Section 55 of the Planning Act (Northern Ireland) 2011.

Reason: Retrospective application.

2. The approved vehicular access shall be used for emergency access and maintenance purposes related to the function of the Holiday Homes Park only and for no other purpose.

Reason: In the interest of residential amenity and safety.

3. The boundary planting as indicated on block plan 03A, date stamped 1<sup>st</sup> September 2017 shall be carried out during the first planting season effective from the date of this decision notice. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of residential amenity.

