

Planning Committee Report - LA01/2017/0323/O 668 Seacoast Road, Benone	24th January 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

668 Seacoast Road, Benone

LA01/2017/0323/O

24th January 2018

<u>No:</u> LA01/2017/0323/O	<u>Ward:</u> MAGILLIGAN
<u>App Type:</u> Outline Planning	
<u>Address:</u> 668 Seacoast Road, Benone	
<u>Proposal:</u> No 3 self catering cottages to the rear of 668 Seacoast Road, Benone	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 09.03.2017
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> Carol Gourley (C. McIlvar Ltd), Unit 7 - Cookstown Enterprise Centre, Derryloran Industrial Estate, Cookstown, BT80 9LU	
<u>Applicant:</u> Gerard Gaile, 668 Seacoast Road, Benone, Limavady, BT49 0LG	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 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 This site is located on the Seacoast Road and sits within a row of detached and semi-detached dwellings at this section of the road. The site itself comprises a portion of what is the existing rear garden of the dwelling at 668 Seacoast Road with access running across the land located to the side of the existing dwelling.
- 2.2 There is a timber board fence approx. 2m high along the south-western boundary. The north-eastern boundary is defined by part

timber board fence and a timber post and wire fence. A metal palisade fence approx. 2.4m high runs along the rear, north-western boundary. The south-eastern boundary of the site is currently undefined, access onto the Seacoast Road is denoted by the existing stone wall along the front boundary of the property at 668 Seacoast Road.

- 2.3 The character of the surrounding area is defined by the Binevenagh Mountain which forms the backdrop to the landscape. There is an existing commercial garage and bodywork repair shop on the neighbouring site at No. 666 Seacoast Road.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. The site lies within the Binevenagh Area of Outstanding Natural Beauty.

3 RELEVANT HISTORY

B/2008/0320/F

Enlargement of approved site and the relocation of the approved dwelling & garage from between Nos. 668 & 670 to some 50 metres behind No. 668.

Between 668 & 670 Seacoast Road, Benone, Limavady.

Application Withdrawn 12.06.2009

B/2005/0098/F

Erection of traditional chalet style dwelling with detached domestic garage/store.

Between 668/670 Seacoast Road, Benone, Limavady.

Permission Granted 05.12.2005

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for three self-catering cottages to the rear of 668 Seacoast Road, Benone, Limavady.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DFI Roads: No objections

Loughs Agency: No objections

Tourism Northern Ireland: Non-Committal

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 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 16: Tourism

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, criteria for tourism development and rural character.

Principle of Development

8.2 Paragraph 6.260 of the SPPS states that Planning Authorities must carefully manage tourism development in the countryside. 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.

8.3 Policy CTY 1 of PPS 21 is superseded by the policies contained within PPS 16 as it relates to the tourism policies of the Planning Strategy for Rural Northern Ireland. Therefore this proposal is assessed in relation to the relevant policy contained within PPS 16.

8.4 As the proposal is for three self-catering cottages Policy TSM 5 is considered. The policy states that planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:

(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.

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.

8.5 As the proposal is an outline application for three new units, and there is no existing tourism use of the site category (a) is not applicable. As the proposal is for new build and does not involve the restoration of an existing clachan or close category (c) is not applicable. The proposal falls to be considered under category (b) as per the case outlined by the agent in the design and access statement which is assessed in detail below. The application site comprises an existing semi-detached dwelling and domestic curtilage. Paragraph 7.25 of the justification and amplification states 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. There are no existing or approved tourist amenities that are or will be significant visitor attractions in their own right at or close to the application site.

8.6 Appendix 1 of PPS 16 contains a glossary of terms. The following definitions are of relevance to this application:

Tourism Asset: Any feature associated with the built or natural environment which is of intrinsic interest to tourists.

Tourist Amenity: An amenity, facility or service provided primarily for tourists, but does not include tourist accommodation.

Tourist Accommodation: Overnight sleeping accommodation for tourists provided by way of trade or business.

8.7 Deighan's Caravan Park, which is situated to the North of the site, is not considered a tourist amenity because it provides tourist accommodation as per the above definitions. In the Design and Access statement submitted alongside the application, the agent refers to the Binevenagh AONB landscape. The landscape would be a tourist asset and not a significant tourist amenity.

8.8 Additional information submitted by the agent contends that Benone Beach qualifies as a tourist amenity that is a significant tourist attraction in its own right. As defined above an asset is any feature associated with the built or natural environment which is of intrinsic interest to tourists. While Benone beach attracts tourists and is of interest to them, it is a feature associated with the natural environment and therefore for the purposes of this policy is considered an asset and not a tourist amenity as per the definitions outlined at paragraph 8.6.

- 8.9 The agent also considers that the Benone visitor centre is a tourist amenity which is a significant attraction in its own right. The visitor centre would meet the definition of an amenity but would not be considered a significant attraction in its own right. It is associated with the accommodation at the caravan parks and Benone Strand Beach. It is the beach, as an asset, which is the attraction. The visitor centre is not a significant attraction in its own right.
- 8.10 For the purposes of the policy, it is the definitions contained with Appendix 1 which must be considered. As the proposal is not close to an existing or approved tourist amenity that is or will be a significant visitor attraction in its own right the proposal fails to comply with Policy TSM 5.
- 8.11. As the proposal does not comply with Policy TSM 5 and is located within the countryside it is assessed against Policy CTY 1. The proposal does not meet any of the exceptions identified in Policy CTY 1 and as there are no overriding reasons as to why development is essential in this location and could not be located in a settlement the proposal also fails to comply with Policy CTY 1 of PPS 21.

Criteria for Tourism Development

- 8.12A proposal for a tourism use is also subject to the design criteria contained within Policy TSM 7:

Design Criteria

- (a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- (c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- (d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (e) is designed to deter crime and promote personal safety;

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

8.13 As this is an outline application the design and detail of any proposal would be considered as part of any reserved matters application.

8.14 In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

(h) it does not harm the amenities of nearby residents;

(i) it does not adversely affect features of the natural or built heritage;

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

(k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;

8.15 While meeting the other criteria, the proposal fails to comply with criteria g, h and i. The proposal would be incompatible with surrounding land uses given the proximity of the site to the neighbouring commercial premises at No. 666 Seacoast Road and residential properties at No. 668 and No. 670 Seacoast Road. Critical views of the site are from between the Angler's Rest at No. 660 and

the site frontage, on the Seacoast Road travelling in a northerly direction towards Coleraine. The addition of built form to the rear of the existing dwelling at No. 668, in what is effectively the rear garden, would detract from the landscape quality of the Binevenagh AONB and the character of this rural area.

8.16 The proposal would have a detrimental impact on the residential amenity of neighbouring properties at No. 668 and No. 670 Seacoast Road. If permitted it would result in a loss of privacy for these dwellings and create an unacceptable and unfavourable form of development which would also have an adverse impact on the Binevenagh AONB. The proposal fails to comply with Policy TSM 7.

Rural Character

8.17 The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings and would fail to respect the traditional pattern of development exhibited in the area. The proposal would therefore be contrary to Policy CTY 14 of PPS 21.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal fails to meet the specific locational criteria for self-catering accommodation in the countryside as required by Policy TSM 5 of PPS 16. In addition, it would unacceptably affect the amenity of neighbouring dwellings and would have an adverse effect on rural character of this Binevenagh AONB location. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy TSM 5 of Planning Policy Statement 16 - Tourism in that the new units would not be located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park; would not be provided at or

close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right; or would not involve the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings.

3. The proposal is contrary to Policy TSM 7 of Planning Policy Statement 16 - Tourism in that it is incompatible with surrounding land uses and the built form would detract from the landscape quality and character of the surrounding area; and would harm the amenities of nearby residents.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings; would fail to respect the traditional pattern of settlement exhibited in the area, and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

Site Location Map

