

Title of Report:	Planning Committee Report – LA01/2020/0768/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd February 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2020/0768/F	<u>Ward:</u> Kinbane
<u>App Type:</u>	Full Planning	
<u>Address:</u>	35 Harbour Road, Ballintoy	
<u>Proposal:</u>	Replacement Dwelling	
<u>Con Area:</u>	n/a	<u>Valid Date:</u> 05.08.2020
<u>Listed Building Grade:</u>	n/a	
Agent:	Mr Michael Colwell 80 Edenderry Village, Belfast, BT8 8LQ	
Applicant:	Mr Shane Bunting 9 Sanbury Avenue Belfast BT 5 5NU	
Objections:	11	Petitions of Objection: 0
Support:	0	Petitions of Support: 0

EXECUTIVE SUMMARY

- Full planning permission is sought for a replacement dwelling.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016, however it is within the Causeway Coast AONB and Ballintoy Harbour LLPA. The site is not subject to any further designations.
- The principle of development is considered acceptable having regard to Policy CTY 3 of PPS21 as the proposal represents a genuine opportunity for a replacement dwelling.
- The proposal is also considered to meet the requirements of Policy CTY13 regarding Integration and Design and, it is also acceptable under Policy CTY 14 as it will not affect rural character.
- Full planning permission was previously approved under LA01/2015/0205/F by the Planning Committee for a replacement dwelling at the application site.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit, Marine Team and Natural Environment Division) were consulted on the application and raise no objection.
- There are 11 objections to the proposal raising a number of issues in relation to the principle of development and site specific issues.
- The application is recommended for approval.

Drawings and additional information are available to view on the Planning Portal - <https://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 The application site is located at No. 35 Harbour Road, Ballintoy. The cliff edge site decreases in level to the North, however is otherwise relatively flat.
- 2.2 The application site at present features a vacant bungalow finished in smooth render and a pitched slate roof. The dwelling is of simple rectangular form with a flat roofed side projection and conservatory to the front. There are no defined boundaries to the site.
- 2.3 The site is within the countryside, the causeway Coast AONB and the Ballintoy Harbour LLPA. The site is at the edge of a small grouping of dwellings, including the Old Coastguard Station which sits south of the site and comprises 4 dwellings.

3 RELEVANT HISTORY

LA01/2015/0205/F – Replacement dwelling and associated site works at 35 Harbour Road, Ballintoy. Permission granted 01/02/2016 by the Planning Committee. The application was presented to the Committee as an objection item, and proposed a dwelling measuring 11.2m x 7.4m, with a ridge height of 5.8m. The approved dwelling was finished in smooth render and natural stone, and was located on the footprint of the existing dwelling albeit larger in scale.

4 THE APPLICATION

- 4.1** The application seeks full planning permission for a replacement dwelling at 35 Harbour Road, Ballintoy. The proposed dwelling measures 11.3m x 7.4m, with a ridge height of 5.8m. The proposed dwelling has a footprint of approx. 84sqm, with the existing having a footprint of approx. 52.5sqm. The previously approved dwelling had a footprint of. 83sqm. The approved dwelling was finished in smooth render and stone detailing, with the current proposal seeking permission for cement board finish. Minor amendments to the fenestration are proposed, including narrow windows to the front elevation, and the removal of two upper floor windows on the east elevation, however the general composition of the proposed and approved remain very similar.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Nine (9) objectors from six (6) addresses raised 11 objections to the proposal. One (1) further representation from one address raised non-committal points. The points raised by objectors include:

Impact on the listed building (Coastguard Cottages)

Loss of view from Coastguard Cottages

Scale of proposal

Use of the dwelling as a holiday home

Design is out of context with the area

Impact on AONB and LLPA

Impact on biodiversity.

Visual impact given the location of the site – visible from a number of directions

Loss of privacy

Increased traffic

Ownership of lane and right of way

5.2 Internal

DFI Roads - No objections.

Northern Ireland Water - No objections.

Environmental Health - No objections.

DAERA Water Management Unit - No objections subject to standing advice.

DAERA Natural Environment Division – No objections.

DAERA – Marine and Fisheries Division – No objections.

Historic Environment Division – No objections, subject to conditions.

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 RELEVANT POLICIES & GUIDANCE

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Guidance

Causeway Coast AONB Management Plan

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to; principle of development, access, impact on neighbouring residential properties, and impact on natural and built heritage.

Principle of Development

- 8.2 Policy ENV1 is applicable to this application in that it is within the Ballintoy Harbour LLPA. It states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Those features within the Ballintoy Harbour LLPA include the cluster of buildings along Harbour Road, and states that it is visually important that this cluster remains compact in this exceptional coastal landscape. The proposal replaces one dwelling with another on the same footprint, and will therefore not result in the expansion of the cluster. It will remain compact in the exceptional coastal landscape. The proposal therefore complies with ENV1 of NAP.
- 8.3 Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable

Development in the Countryside, Policy CTY 1 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. One of the acceptable types of development is a replacement dwelling, provided it meets with all the criteria set out in CTY 3.

- 8.4 Paragraph 6.73 of the SPPS in relation to replacement dwellings echoes policy CTY 3 of PPS 21. Policy CTY 3 of PPS21 states that planning permission will be granted for a replacement dwelling where ‘the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.’
- 8.5 A vacant bungalow is present on the application site with all four walls and the roof intact save for a small number of missing tiles. The windows and doors have been covered for weatherboarding purposes, however it is evident that the bungalow is a dwelling as it displays the essential characteristics of a dwelling and therefore complies with this section of the policy, and is acceptable in principle.
- 8.6 All replacement dwellings must also comply with a number of criteria addressed in order below.
- 8.7 The replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 8.8 The replacement dwelling is sited within the established curtilage and is on the footprint albeit larger of the existing building. This criteria has been met.
- 8.9 The dwelling is of a modest scale and should integrate easily into the surrounding landscape. It is not considered that the proposed dwelling will have a visual impact significantly greater than the existing building, the proposal will have a similar visual impact to the dwelling approved under LA01/2015/0205/F, which

was live at the time of submission and is a material consideration.

- 8.10 The proposed replacement dwelling is 11.3m x 7.4m, with a proposed ridge height of 5.8m. For comparison, the existing dwelling is 8.2m x 6.4m, with a ridge of 4.4m. A lower ground level element is proposed to the north of the dwelling in response to the falling site levels. This element will have a flat roof which can be accessed from the main dwelling block as a patio.
- 8.11 It is noted that the replacement dwelling is larger than the existing, however it is similar to that approved under LA01/2015/0205/F and is considered to be acceptable to all consultees and is considered by Officials to satisfactorily integrate and to not have a visual impact significantly greater than the existing. The replacement dwelling is of a size appropriate for modern living and makes use of the existing site contours with the presence of a basement. While the visual impact of the replacement dwelling will be more than the existing, it is not considered to be significantly greater. The scale, massing and orientation of the proposed dwelling respects the existing.
- 8.12 Policy requires the design of the replacement dwelling to be of a high quality appropriate to its rural setting and have regard to local distinctiveness.
- 8.13 The design of the dwelling is contemporary with large glazing areas and a balcony in the rear elevation to make use of the coastal views. The front elevation is more traditional in character with a small entrance porch and an appropriate solid to void ratio, all under a gable pitched roof. The design of the dwelling is acceptable as it is a modern interpretation of traditional form and is satisfactory in terms of width, depth and height, similar to the previous planning application which was agreed by the Planning Committee. Windows overall have vertical emphasis and chimneys are expressed on the ridge. The development in terms of design is not considered out of context given the variety of designs and sizes of existing dwellings along Harbour Road.
- 8.14 The dwelling is proposed to be finished in profiled agricultural style blue black fire cement board, and rubble stone walls to finish the basement level. It has been annotated that this is to

reflect local vernacular construction, and existing rubble stone walls on the site at present. The windows are proposed to be of dark grey aluminium, and dark grey cast aluminium rainwater goods. The finishes are not uncommon in a rural location and will assist in integrating into the landscape. The finishes will not draw additional attention given the muted colours, and the dwelling's positioning at the edge of the grouping of buildings allow for its successful integration without detracting from the appearance of the wider area.

- 8.15 All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.
- 8.16 A treatment plant is proposed north of the replacement dwelling within the curtilage and consent to discharge will be required separately. Environmental health and NIEA: Water Management Unit have no objections.

Access

- 8.17 The proposal makes use of an existing shared laneway from Harbour Road. No alterations are proposed to the shared laneway. Parking for the new dwelling is located on a new gravel driveway south of the dwelling, Objections have been raised in relation to increased traffic and car parking, and the impact on the shared access road. It is important to note that an existing dwelling is on the site, and access to a replacement dwelling is acceptable in principle. DfI Roads were consulted on the application and offer no objection. It is noted that the existing vehicular access is sub-standard but as the existing dwelling could be made habitable with minor works measures could be taken to provide acceptable visibility in the interest of the applicant and other road users by way of an informative.

Integration and Rural Character

- 8.18 Policy CTY 13 – Integration and Design of Buildings in the Countryside, and Policy CTY 14 – Rural character are applicable in the assessment of this proposal.
- 8.19 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and is of an

appropriate design (CTY 13). Permission will be granted where the proposed dwelling will not cause a detrimental change to, or further erode the rural character of an area (CTY 14).

- 8.20 There are several partial views of the application site primarily from Harbour Road travelling north and south. The rear of the dwelling would be the most visible in that it is located on the coastal cliff edge. Views of the existing dwelling are difficult to obtain due to its scale and proximity to No. 33, which at certain viewpoints acts as a screen. Due to the increased scale of the replacement dwelling, views may be possible from certain points. However, given the topography and existing development it is not considered that the proposed dwelling would be prominent or dominate the landscape. The proposal will group with the existing buildings and will not significantly detract from visual amenity or the character and appearance of the Ballintoy LLPA or Causeway Coast AONB.
- 8.21 The proposal can be visually integrated into the surrounding landscape given the appropriate scale and massing of the replacement dwelling and its location within the existing curtilage of the dwelling to be replaced. The design is appropriate as considered above and is not out of context in the immediate surroundings. The proposed replacement dwelling will not be unduly prominent in the landscape, although public views will be available. It will not result in a build-up as it is a replacement dwelling, and is not considered to damage rural character.

Built and Natural Heritage

- 8.22 Policy BH2 of PPS6 is applicable as the proposal is located within the buffer zone of archaeological sites and monuments. HED: Historic Monuments were consulted and advised that they have no archaeological concerns regarding this proposal.
- 8.23 Policy BH 11 – Development affecting the setting of a listed building is applicable. The building itself is not listed however it is in proximity to Bendhu, No. 49 Harbour Road, and the recently listed Coastguard Cottages. HED: Historic Buildings offer no objection to the proposal and have suggested conditions. HED consider the replacement to be acceptable in scale, height,

massing and alignment and conclude that it does not impact on the setting of this listed building.

- 8.24 At the time of assessing the previous application approved under LA01/2015/0205/F, the Coastguard Cottages were subject to an on-going Listing Query. Objectors raised concerns at that stage in relation to the potential listing and the impact that the replacement would have on its setting. This was considered and it was deemed acceptable under LA01/2015/0205/F. The Coastguard cottages are now listed and HED: Historic Buildings offer no additional objections under the current consideration. It is considered that the dwelling will not impact on the setting of any listed building in its vicinity. The replacement dwelling and the Coastguard Cottages will not always be viewed together on account of the topography and sharp bends along Harbour Road. Furthermore, the dwelling is not considered to significantly impact on the setting of the entire coastal grouping. The proposal complies with PPS6.
- 8.25 A Bat Survey was carried out on the site and NED have raised no concerns, and encourage the applicant to ensure that any external lighting is directed to avoid nocturnal, protected species and on the adjacent, ecologically sensitive habitat. The cliff face to the north of the site is a welcome habitat for nesting birds, therefore the proposed buffer zone of 14m where no development is to take place allowed NED to conclude that the proposal is unlikely to significantly impact on nesting birds located in the adjacent cliff face. NED is also content that no invasive and non-native planting is proposed as part of the development. The proposal complies with PPS2.
- 8.26 Policy NH6 – Areas of Outstanding Natural Beauty (PPS2). Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns, as well as local materials, designs and colour. The proposal does not offend this policy as the development is acceptable in terms of scale, massing, design and finish and will not significantly detract from the character and appearance of the area as considered above.

Other Matters

- 8.27 In addition to the considerations set out in paragraphs 8.1 – 8.26, objectors have raised further issues which will be considered as follows. The loss of view from Coastguard Cottages due to the development. Paragraph 2.3 of the SPPS in defining the purpose of planning outlines that it does not exist to protect the private interests of one person against the activities of another. It is whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. A private view is considered to be a private interest.
- 8.28 Objections in relation to the impact on residential amenity from the replacement dwelling on Coastguard Cottages have been raised. The proposal is not expected to result in unacceptable overshadowing or loss of light to the cottages given the site orientation (north facing); separation distances of approx. 21m, and the scale and massing of the dwelling. The proposal should not result in overlooking of the cottages given the front elevation only has ground floor windows directly facing these properties. There are no perceived overlooking issues raised from proposed velux windows.
- 8.29 No. 33 Harbour Road has expressed objections in relation to residential amenity. This property is located west of the site and as a result may experience some overshadowing in the morning given the orientation of the site however given the separation distance and the general positioning any impact is not considered to justify refusal.
- 8.30 The proposal will not result in adverse overlooking of No. 33 Harbour Road. The small windows proposed in the gable directly facing this property are for a kitchen at ground floor level and a bedroom at first floor level, facing towards the kitchen/living room of no. 33. The previous application sought to obscure the glazing on the living room window in this position however the windows have now been reduced in scale, and given the north facing windows taking dominance in the kitchen it is not considered that the gable window will create any unacceptable overlooking.

- 8.31 The proposed glazed screen on the west side elevation should be obscure glazed which can be controlled by way of a planning condition, as was the case previously approved by LA01/2015/0205/F. This would mitigate any privacy concerns perceived by No. 33 given the nature of use of the proposed patio. The garden to the rear of the existing dwelling already overlooks No. 33 given the topography.
- 8.32 The owner of No. 27 Harbour Road indicated that he is the outright owner of the lane over which the site has a small right of way. Certificate C has been signed on the P1 form and notice served on the relevant parties.

Habitats Regulation Assessment

- 8.33 The potential impact 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, conservation objectives or status of any of these

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of layout and appearance. There will be no significant detriment to the setting of listed buildings or neighbouring amenity, or on biodiversity at the location. All other matters can be secured by planning condition and approval is therefore recommended.

10 Conditions.

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit.

2. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on Drawing No. 01 date stamped 30th June 2020 is demolished, all rubble and foundations removed and the site restored in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

3. The proposed planting indicated on Drawing No. 02B date stamped 26th August 2021 shall be undertaken during the first available planting season after the occupation of the dwelling hereby approved.

Reason: In the interest of visual amenity.

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives it written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. The 1.7m high screen glass balustrading associated with the ground floor balcony shall be erected with obscure glazing in accordance with Drawing No. 04A, date stamped 27th November 2020 before the occupation of the dwelling hereby approved and permanently retained as such.

Reason: In the interest of residential amenity.

6. The proposed dwelling shall not exceed the ridge height of the previously approved dwelling in this location under LA01/2015/0205/F.

Reason: To protect the setting of the nearby Listed Buildings under PPS6, BH11 and SPPS.

7. External doors shall be powder coated aluminium or external quality timber, with opaque painted finish.

Reason: To protect the setting of the nearby Listed Buildings under PPS6, BH11 and SPPS.

8. Rooflights shall be conservation range, vertical in proportion, with a slim profile ensuring no projection beyond the roof covering pitch line.

Reason: To protect the setting of the nearby Listed Buildings under PPS6, BH11 and SPPS.

9. Rainwater goods shall be round profile, painted metal type.

Reason: To protect the setting of the nearby Listed Buildings under PPS6, BH11 and SPPS.

11 Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. DfI Roads has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility
6. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess>

Site Location Plan



Planning Office
RECEIVED
30 JUN 2020
File No.....
Causeway Coast and
Glens Borough Council

Causeway Coast and
Glens Borough Council
Drawing
Number 01

LA01/2020/0768