Planning Committee Report **LAO1/2016/1374/F – Church Bay, Rathlin (20m South East of St Thomas Church**	**23rd August 2017**
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/Development Management Manager
Cost: (If applicable)	N/a

AGENDA ITEM 5.9

Church Bay

Rathlin, (20m south-east of St. Thomas Church)

LA01/2016/1374/F

Full Planning

23rd August 2017

App No:	**LA01/2016/1374/F**	**Ward:**	**Rathlin**
App Type:	**Full Planning**		
Address:	**Church Bay Rathlin (20m south-east of St. Thomas Church)**		
Proposal:	**Proposed dwelling**		
Con Area:	N/A	**Valid Date:**	**11th November 2016**
Listed Building Grade:	N/A	**Target Date:**	
Applicant:	**McFall Construction, 196 Whitepark Road, Bushmills**		
Agent:	**Moore Design, Market Court, 63 New Row Coleraine, BT52 1EJ**		
Objections:	**0**	**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 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 located within the Church Bay settlement limits. The listed St Thomas Church is sited immediately west of the site with the graveyard immediately abutting the western boundary of the site. The eastern boundary of the site is undefined. The public road runs along the front of the site and the land rises steeply to the rear of the site. The new harbour is located opposite the site.

3 RELEVANT HISTORY

3.1 E/2010/0114/F
Church, Church Bay, Rathlin Island.4 No cottages, 1 No apartment and shop
Allowed 24.10.2010

3.2 E/2007/0145/F
Lands approx 30m S.E of St Thomas Church, Church Bay, Rathlin. Construction of 5no. Cottages and removal of existing boundary wall to facilitate access.
Allowed 27.01.2009

4 THE APPLICATION

4.1 Full planning permission is sought for a 1 ½ storey dwelling. The latest drawings under consideration are those submitted 25th May 2017. The proposed dwelling has a ridge height of 7 metres, a hipped slate roof and the walls finished in white/grey render.

5.0 PUBLICITY & CONSULTATIONS

5.1 No representations received.

5.2 **Internal**

Transport NI: Require further amendments.

NI Water: Has no objection to the proposal.

Environmental Health Department: Has no objection to the proposal.

Historic Environment Division: Object to the proposal.

Historic Monuments: Has no objection subject to conditions.

Shared Environmental Services: Require further information.

NIEA Coastal Development: No objection subject to conditions.

NIEA Marine and Fisheries: No objection subject to conditions**.**

NIEA Drainage and Water: No objection subject to conditions.

NIEA Natural Heritage: Objects to the proposal.

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 both 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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 7: Quality Residential Environments

Supplementary Planning Guidance

Antrim Coast and Glens AONB

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of development; quality in new residential development; design; built heritage; archaeology; areas of outstanding natural beauty; natural heritage; and, access and parking.

Planning Policy

8.2 The site is located within the settlement limits of Church Bay, Rathlin Island as defined in the Area Plan. The site is also located within the AONB and is within a Local Landscape Policy Area (LLPA). The LLPA does not preclude development. Designation CBL 01 (Church Bay LLPA) highlights the features that contribute to the integrity of the LLPA.

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

8.4 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 The site is located in the settlement development where there is a presumption in favour of development subject to individual site constraints and relevant planning policies. It is located adjacent a listed building, St Thomas's Church and within an LLPA.

Quality in New Residential Development

8.6 Policy QD 1 identifies 9 criteria for which all residential development should conform to.

8.7 The site is located within the development limits of Church Bay where development is not precluded. However, it must adhere to planning policy and the criteria in order to be acceptable. The dwelling is located at the end of a row of 5 other units which were approved under E/2010/0114. A pair of semi detached dwellings immediately adjacent to the site have been approved (not yet constructed) and a detached shop and apartment above sited at the opposite end of the row (have been constructed). The dwelling is sited forward of the adjacent approved semi detached dwellings. The elevation facing the neighbouring dwelling is blank and therefore will not create overlooking concerns. The dwelling has adequate amenity space when taken in the context of surrounding development. Concerns with the scheme lie with the design and the impact on the adjacent Listed Church, under PPS 6.

Design

8.8 Part (a) of QD 1 states that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Although the scale and massing of the building is not dissimilar to the adjacent approved development the design is less simplistic. Concerns with the design include the hipped roof and first floor dormer windows with a square surround. The Antrim Coast and Glens AONB Design Guide states that gable fronted dormers with a pitched roof are suitable.

8.9 Development further east along Church Bay has a number of hipped roof buildings. Of particular comparison to this development is the housing development built adjacent to Mc Cuaigs pub. This development comprises a terrace of 4 buildings with a 2 ½ storey hipped roof building located at the end of this terrace. This building is distinct from the proposed dwelling as when viewed in the context of the overall building and terrace it forms part of the overall scheme whereas the proposed dwelling is detached from the adjacent residential development and does not replicate any of the design features associated with this neighbouring development.

8.10 This is a prominent sensitive site and design should be more reflective of the AONB Design Guide.

8.11 Design is discussed further in relationship to the listed building below in paragraphs 8.12 to 8.16.

Built Heritage

8.12 Criteria (b) of QD1 states that features of archaeological and built heritage should be protected and integrated in a suitable manner into the overall design and layout of the development. Policy BH 11- Development affecting the Setting of a Listed Building of PPS 6 states that development will not normally be permitted which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

(a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
(c) the nature of the use proposed respects the character of the setting of the building.

8.13 The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials.

8.14 Historic Buildings considers the proposal would have an adverse impact on the listed building (St Thomas' Church). It is out of keeping with the context and character of the setting due to the cumulative effect and intensification of development compromising the visual prominence of the historic asset and isolating it from its surrounding setting.

8.15 As part of the previous planning history in 2007 the scheme was initially submitted for 6no. cottages and 2no. apartments. This was revised to and approved for 5 no cottages. Planning Service raised concern over the over development of the site and scale of the proposal. Landscape Branch and Historic Buildings Unit

objected to the original proposal for the following reasons: The church and grounds are currently (and have been historically) visually separated from the harbour area, the church appears to be “standing on its own” a distinct and important building fronting onto the bay. The proposal was subsequently amended removing development from this application site to retain the setting of St Thomas’ Church and protect the archaeological remains. The setting of the Church still remains a concern as part of this application.

8.16 The proposal detracts from the context and character of the setting of the listed building and results in a loss of its architectural and historic integrity by reason of;

1. The nature of the proposal fails to respect the character of the setting of the listed building.
2. Its detailed design is out of keeping with the listed building in terms of scale, massing, proportions, height, alignment and materials.

The dwelling sited at this location would have an adverse impact on the setting of the Listed Church and as such would be contrary to this part of the policy.

Archaeology

8.17 Policy BH 4, Archaeological Mitigation, of PPS 6 states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, Planning will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

8.18 Unscheduled Site and Monument is located within the grounds of the Listed St Thomas’ Church adjacent to the site. Historic Environment Division (HED) were consulted as part of the application and the Historic Monuments Branch and Historic Buildings Branch both provided comment.

8.19 Archaeological testing took place on this application site in 2007 under licence AE/07/224. Articulated and disarticulated human remains were identified as well as foundations associated with

St Thomas' Church (ANT1:23), which dates to the medieval period. Previous work within the southeast corner of the current church in 2003 exposed the remains of 14 skulls, and several further disarticulated remains. These remains were examined and the evidence suggested that the remains had been removed from their original burial location at some stage and deposited within the interior of St Thomas' Church.

8.20 HED: HM has considered the impacts of the proposal. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. The programme of works must provide a full mitigation strategy for the excavation and post-excavation works of human remains.

Areas of Outstanding Natural Beauty

8.21 Policy NH 6 states that 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 and all the following criteria are met:

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

• local architectural styles and patterns;

• traditional boundary details, by retaining features such as hedges, walls, trees and gates; and

• local materials, design and colour.

8.22 As discussed above under PPS 6 and PPS 7 the proposal does not respect the setting of the adjacent Listed Church. Also features of the design do not reflect local architectural features and styles. The proposal is contrary to Policy NH 6 in that it's siting and design does not respect the local character and it is detrimental to a building of importance to the character and heritage of the landscape.

Natural Heritage

8.23 The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

8.24 The red line boundary of the proposed development is adjacent (approximately 5.5 m) to Rathlin Island SAC/SPA and a Habitats Regulations Assessment is required including any mitigation measures to protect the SAC/SPA during the construction phase. A Construction Management Plan was not requested from the Agent.

Access and parking

8.25 Criteria (f) of QD1 states that adequate provision should be made for parking. The Transport NI response dated 9th March 2017 advised that the proposed dwelling requires 1 car parking space. Transport NI requested that the lay by approved under E/2014/0016 be extended to provide the parking space for the dwelling. Private Streets Determination is also required for the entire lay by. These issues were not requested from the Agent.

9.0 CONCLUSION

9.1 The principle of the proposal is considered to be unacceptable in this location. The proposal would have an adverse impact on the listed building (St Thomas' Church) by its visual prominence over the historic asset. The proposal does not respect the setting of the adjacent Listed Church and features of the design do not reflect local architectural features and styles. It has also not be demonstrated that the proposal can provide a safe access and parking arrangement. Having regard to the Northern Area Plan, and other material considerations including the SPPS, the proposal fails to meet the principle policy

requirements of Policy QD 1 of PPS 7 and BH 11 of PPS 6 and other policies. Refusal is recommended.

10 REFUSAL REASONS

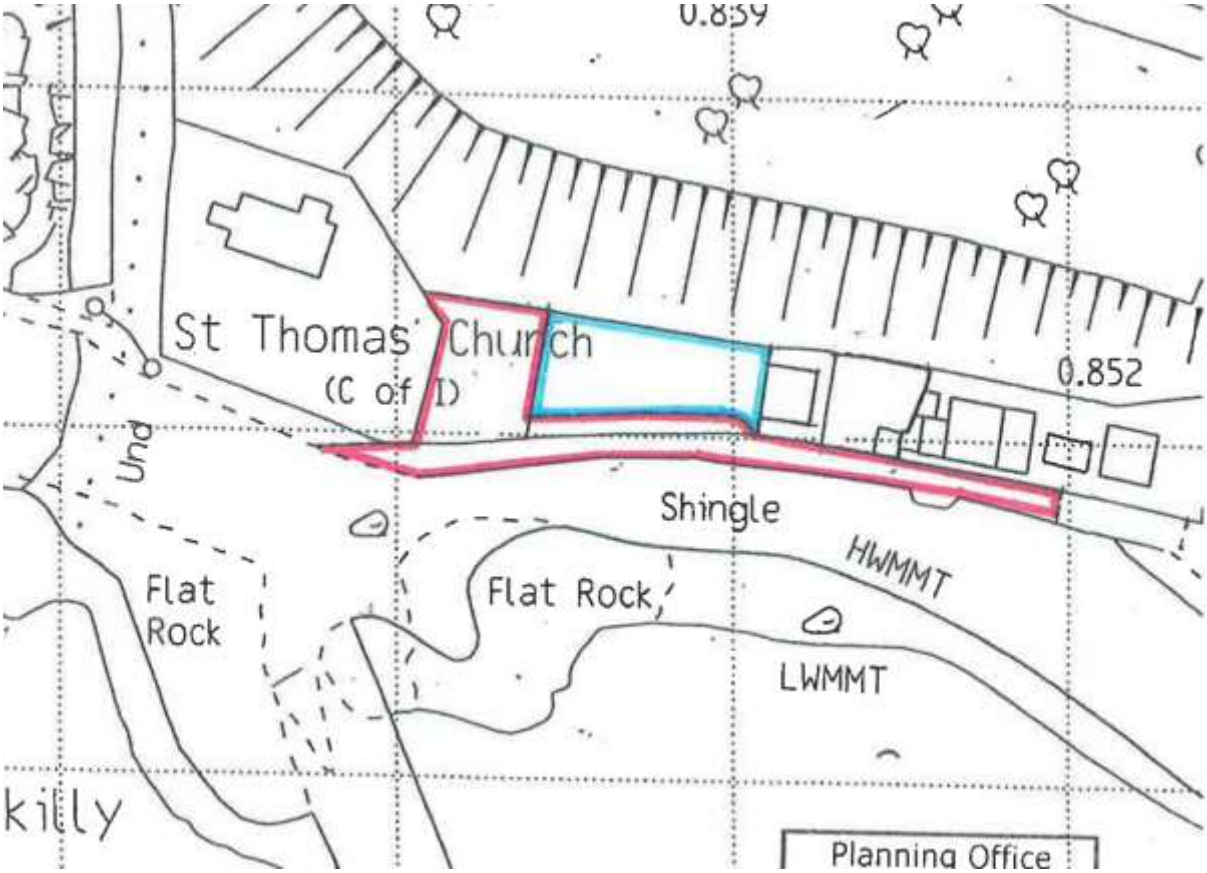
1. The proposal is contrary to the Strategic Planning Policy Statement, paragraph 6.12 and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Section 80 of the Planning Act (NI) 2011, St Thomas' Church, Rathlin Island by reason of: the nature of the proposal fails to respect the character of the setting of the listed building, and: its detailed design which is out of keeping with the listed building in terms of scale, massing, proportions, height, alignment and materials.

2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), paragraphs 4.26, 4.27 and 6.187, Policy QD 1 of Planning Policy Statement 7 and Policy NH 6 of Planning Policy Statement 2 in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of siting and scale; the impact on a building of importance to the character, appearance or heritage of the landscape; local architectural styles and patterns and provision for parking.

3. The proposal is contrary to policy NH 1 of PPS 2 in that it has not been demonstrated that the proposed development would not have an adverse impact on Rathlin Island SPA/SAC as the required mitigation measures have not been submitted in order to undertake a Habitats Regulation Assessment.

4. The proposal is contrary to Policy Amp 7 of PPS 3 in that it has not been demonstrated that the proposed development can provide adequate car parking.

Site Location


St Thomas' Church
(C of I)
0.852
Shingle
HWMMT
LWMMT
Flat Rock
Flat Rock
Planning Office