

<b>Planning Committee Report LA01/2017/1208/O</b>	<b>28<sup>th</sup> November 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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2017/1208/O</b>	<b><u>Ward:</u></b>	<b>Cloghmills</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>Adjacent to 277 Frosses Road Cloughmills</b>		
<b><u>Proposal:</u></b>	<b>Site of dwelling and garage on a farm.</b>		
<b><u>Con Area:</u></b>	<b>No</b>	<b><u>Valid Date:</u></b>	<b>20.09.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Agent:</b>	<b>Ivan McClean</b>		
<b>Applicant:</b>	<b>Mr Andrew and Mrs Anne Gregg, 275 Frosses Road, Cloughmills</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

## 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 refusal reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The Site is accessed via an existing laneway off the Frosses Road dual carriageway which currently serves three dwellings. The laneway rises fairly steeply from the access point with the public road to the existing farm grouping at 277 Frosses Road. The farm grouping currently comprises two detached dwellings as well as a small number of agricultural buildings in varying states of repair. The north-eastern extent of the farm grouping is considerably elevated above the public road before falling away again in an easterly direction. The farm grouping is also sited immediately adjacent a separate farm grouping / holding at No 283 Frosses Road to the immediate south which is accessed separately from a flyover to the south. The site itself consists of a fairly narrow area of land extending to approximately 0.12 hectares which currently comprises a number of derelict agricultural buildings and a small raised garden area. The site is immediately adjacent the existing neighbouring farm-holding at No 283 which includes a disused dwelling and a number of agricultural buildings.
- 2.2 The site is located within the rural remainder as designated by Map 2 of the NAP 2016.
- 2.3 The site is in close proximity to an Area of Special Scientific Interest as well as known archaeology. The character of the area is dominated by the recently completed roadworks with existing development comprising single dispersed dwellings and small farm holdings.

## 3 RELEVANT HISTORY

Located at farm yard:

D/2001/0053/O One-and-a-half storey retirement farm dwelling, 277a Frosses Road, Cloughmills Granted 23.03.2001

D/2001/0339/RM Proposed retirement farm dwelling, 277A Frosses Road, Cloughmills, BT44 9NF Granted 10.10.2001

#### **4 THE APPLICATION**

4.1 This is an outline application for a dwelling and garage on the farm.

#### **5 PUBLICITY & CONSULTATIONS**

##### **5.1 External:**

None received

##### **5.2 Internal:**

DFI Roads: Recommend Refusal.

Environmental Health: No objections.

NIEA Water Management Unit: No objections

NI Water: No objections.

DAERA WMU: No objections.

Historic Environment Division: No objections.

#### **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 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Advice and Guidance

Building on Tradition Design Guide

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: principle of development for a dwelling on a farm, integration; rural character; waste water; nature conservation; archaeology; and, access.

### **Principle of Development**

- 8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The proposal has been submitted for a dwelling on a farm under Policy CTY 10.
- 8.3 As the application relates to a farm dwelling the main policy context is policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the outlined criteria can be met.

- 8.4 The application relates to a farm holding which extends to 6.69 hectares with the main farm grouping existing at No 277 Frosses Road and comprises two separate dwellings as well as a number of small outbuildings in varying states of repair. Although the farm business is registered to the applicant at No 277 Frosses Road, the applicants resides at No 275 which is an additional two storey dwelling adjacent the access with the public road. The applicant has verbally confirmed that his brother resides at No 277 while his son resides at No 279.
- 8.5 Criterion (a) of CTY 10 requires that the farm business is currently active and has been established at least 6 years. Bullet point three of paragraph 6.73 of the SPPS effectively reiterates the requirements of CTY10 including that the farm business must be currently active and established for a minimum of 6 years.
- 8.6 The applicant has provided details of up to date farm maps as well as a P1C form which states that the current business ID number was allocated in 2005. The farm business has been confirmed by DAERA as both active and established for more than the requisite 6 years. As a result the proposal meets criterion (a) and is eligible for a dwelling under this policy.
- 8.7 In relation to criterion (b), although this small farm-holding already incorporates three dwellings, these all pre-date 25th November 2008 and therefore no dwellings or development opportunities would appear to have been transferred from the farm holding within 10 years of the date of this application (post 25 Nov 2008).
- 8.8 Criterion (c) of Policy CTY10 states that the proposed new dwelling should be sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. As noted above the main farm grouping comprises a number of agricultural buildings fairly tightly grouped around the original farm dwelling. The proposed site forms part of this grouping and incorporates the remains of a number of old agricultural buildings. The site is also accessed via the existing laneway and as such the proposal meets criterion (c).
- 8.9 Policy CTY10 also states that in such circumstances (i.e. where the proposal meets the policy tests of CTY10) it must also meet the requirements of CTY13 (a-f), CTY14 and CTY16.

## **Integration and Rural**

8.10 In terms of CTY13 and integration, the site is set back from the public road, and although elevated above the public road the topography is such that the site is generally well screened from the public road (the land falls away again across the site frontage. The site is also tightly grouped with the existing farm buildings, one of which provides additional screening of the site as does the neighbouring farm grouping to the immediate south. A suitably designed dwelling will not appear unacceptably prominent and as such the visual impact is limited.

8.11 In terms of character CTY14, and in relation to the number of dwellings in the immediate vicinity, Nos 277, 279 and the neighbouring dwelling at No 283. From critical views the site is fairly well screened with views of all existing dwellings in conjunction with the site fairly limited and it would be possible to develop the site without significantly altering the character of the area.

## **Waste Water**

8.12 The application proposes the uses of a septic tank to deal with foul sewage and although the exact location has not been indicated it would appear that the additional lands within the applicants control and topography would make this achievable without any significant pollution issues. NIEA Water Management Unit who are the competent authority were consulted as part of the application and have no objection subject to consent to discharge under the NI Water Act.

## **Nature Conservation**

8.13 The site is within the vicinity of an identified Area of Special Scientific Interest which is approximately 320m away. The fact that the site relates to previously developed land as part of an existing farm holding it is unlikely that a proposal of this nature would result in any impact on this designation.

## **Archaeology**

8.14 The site is adjacent to a site for an enclosure which may represent the remains of a rath dating to the early medieval period. HED HM are concerned that below grounds archaeological remains may still survive and be impacted upon during the course of works. They are content, conditional on the agreement and implementation of a developer funded programme of archaeological works.

## **Access**

- 8.15 DFI Roads has recommended refusal of the proposal as it represents intensification of an existing access onto a High Standard dual carriageway. Policy AMP 3 controls the level of use of existing accesses onto Protected Routes in a number of ways. In the example of Protected Routes designed to an appropriate standard such as Dual Carriageways, Ringroads, Through Passes and By-Passes, permission will only be granted for the intensification of use or access in exceptional circumstances or where the proposal is of regional significance.
- 8.16 The Council facilitated a meeting between DFI Roads, the agent and their elected representative. The applicants advised that they considered the proposal to meet the test of exceptional circumstances as outlined in the policy as the access is existing, is the only means of access and has been upgraded as part of the dualling scheme and reduces the potential for accidents as it now relates to one-way traffic. DFI Roads advised that the proposal would create an intensification of the existing access, did not represent an exception, was not of regional significance and would set a precedent, potentially resulting in the intensification of numerous accesses onto the dual carriageway.
- 8.17 The agent raised a number of examples citing issues of parity. All examples referenced fall outside Causeway Coast and Glens Council area. On reconsultation, these have been assessed further by DFI Roads who acknowledge one of the examples related to an access which in hindsight should not have been allowed (the other two related to replacement dwellings). Based on the information presented only one of the examples is comparable. However, DFI Roads have acknowledged this as an error which it would not be appropriate to replicate.
- 8.18 Based on the information presented both as part of the application and at the aforementioned office meeting the current application relates to a single dwelling for a small farm holding which already includes three related existing dwellings which are resided in by the applicant and his wife, the applicant's brother and the applicant's son. The current proposal is not of regional significance nor does it represent exceptional circumstances.

## **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 with Policy AMP 3 as it would result in the intensification of an existing access onto a Protected Route which would compromise their function of facilitating the free and safe movement. Refusal is recommended.

## **10 Refusal reasons**

1. The proposal is contrary to Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking in that access will not be permitted on to a High Standard Dual Carriageway, thereby prejudicing the free flow of traffic and conditions of general safety.



