

Planning Committee Report LA01/2018/0566/O	28th November 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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2018/0566/O	<u>Ward:</u>	Aghadowey
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Site 40m North West of 123c Agivey Road, Aghadowey		
<u>Proposal:</u>	Outline application for a new 11/2 storey dwelling and detached garage		
<u>Con Area:</u>	No	<u>Valid Date:</u>	10.05.2018
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Wilson McMullan Architects, 19 Glenvale Avenue, Portrush, BT56 8HL		
<u>Applicant:</u>	Mr Brendan McCamphill, 4 Lisnagreen, Kilrea, BT51 5PZ		
<u>Objections:</u>	3	<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 refusal reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an area of land located on an existing laneway which serves 4 existing dwellings.
- 2.2 The northern boundary of the site is defined by a post and wire fence with mature hedging. The eastern and southern boundaries are defined by dense mature trees and hedging. The site is flat and is screened from the Agivey Road.
- 2.3 The site is identified within the Northern Area Plan as land within the countryside and is not located within any settlement limit. The site is not located within any specific environmental designations.

3 RELEVANT HISTORY

LA01/2017/0685/O – Proposed replacement dwelling – Application withdrawn

4 THE APPLICATION

- 4.1 This is an outline application for new 11/2 storey dwelling and garage incorporating the footprint of existing historic wallstead dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External:

3 objections received

5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NIEA Water Management Unit: No objections

NI Water: 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, integration; rural character; natural heritage; and road safety.

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 within an existing cluster under Policy CTY 2a.

8.3 Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

- the cluster appears as a visual entity in the local landscape;

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

- development would not adversely impact on residential amenity.

8.4 The application site is located on an existing lane which serves 4 existing dwellings. The planning statement submitted highlights that the 4 existing dwellings form an established local cluster. For the purposes of this policy, I would argue that No. 123d is displaced from

the group of dwellings due to the level of physical and visual separation and therefore does not form part of the cluster.

- 8.5 The existing group of dwellings are not visible from the Agivey Road due to distance from the road and the level of screening vegetation. When travelling north-east on the laneway from Agivey Road, the dwellings are not visually linked due to separation distances between each dwelling. The existing boundary treatments ensure the dwellings are well screened and reduces inter-visibility. The application site is not viewed with the other dwellings along the lane. Therefore the cluster does not appear as a visual entity in the landscape and fails to meet this criteria.
- 8.6 There is no social/community building/facility which would provide a focal point and the group of dwellings is not located at a crossroads.
- 8.7 The site is screened by vegetation to the south and south-east boundaries. There is existing mature screening to the northern boundary. The western boundary is open and undefined. The site is not bounded by other development in the cluster due to separation by existing laneway and boundary treatments.
- 8.8 The site is not visually linked with the dwellings along the laneway and is not considered to be rounding off or consolidation with an existing cluster. Development of the site would alter the existing character of the area.
- 8.9 A dwelling on this site should not unacceptably affect privacy due to separation distance and existing boundary treatments. There should be no unacceptable overlooking or overshadowing.

Ribbon Development

- 8.10 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.11 The application site as submitted comprises an existing grass plot of land which is sited off an existing lane. There are 4 other dwellings

sited along the shared laneway. The existing dwellings do not form a line of 3 or more buildings along a road frontage and therefore do not represent a substantial and continuously built up frontage sufficient so as to be considered for the purposes of this policy.

8.12 As there is no substantial and continuously built up frontage accordingly there is no gap site to be considered for infilling.

8.13 Additionally a site must also meet other planning and environmental requirements. The proposal is considered in relation to Policies CTY 13, CTY 14 and CTY 16 below.

Integration

8.14 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

(c) it relies primarily on the use of new landscaping for integration; or

(d) ancillary works do not integrate with their surroundings; or

(e) the design of the building is inappropriate for the site and its locality; or

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.15 A dwelling on this site would not be a prominent feature as existing boundary treatments would provide a backdrop for a dwelling to integrate. Also, views of the site would be limited given the distance from the Agivey Road and the level of screening vegetation. As this is an outline application, there are no further details of the design at this stage. The proposal could be visually integrated into the surrounding landscape. Notwithstanding this, the principle of a dwelling on the site

remains unacceptable. The proposal complies with the SPPS and Policy CTY 13 of PPS 21.

8.16 Policy CTY 14 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. The proposal would further erode the rural character of the area by failing to respect the existing pattern of settlement in the surrounding area. It would result in a suburban style build-up of development when viewed with existing and approved dwellings. The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21.

Access

8.17 DfI Roads were consulted in relation to this application and offer no objections.

9.0 CONCLUSION

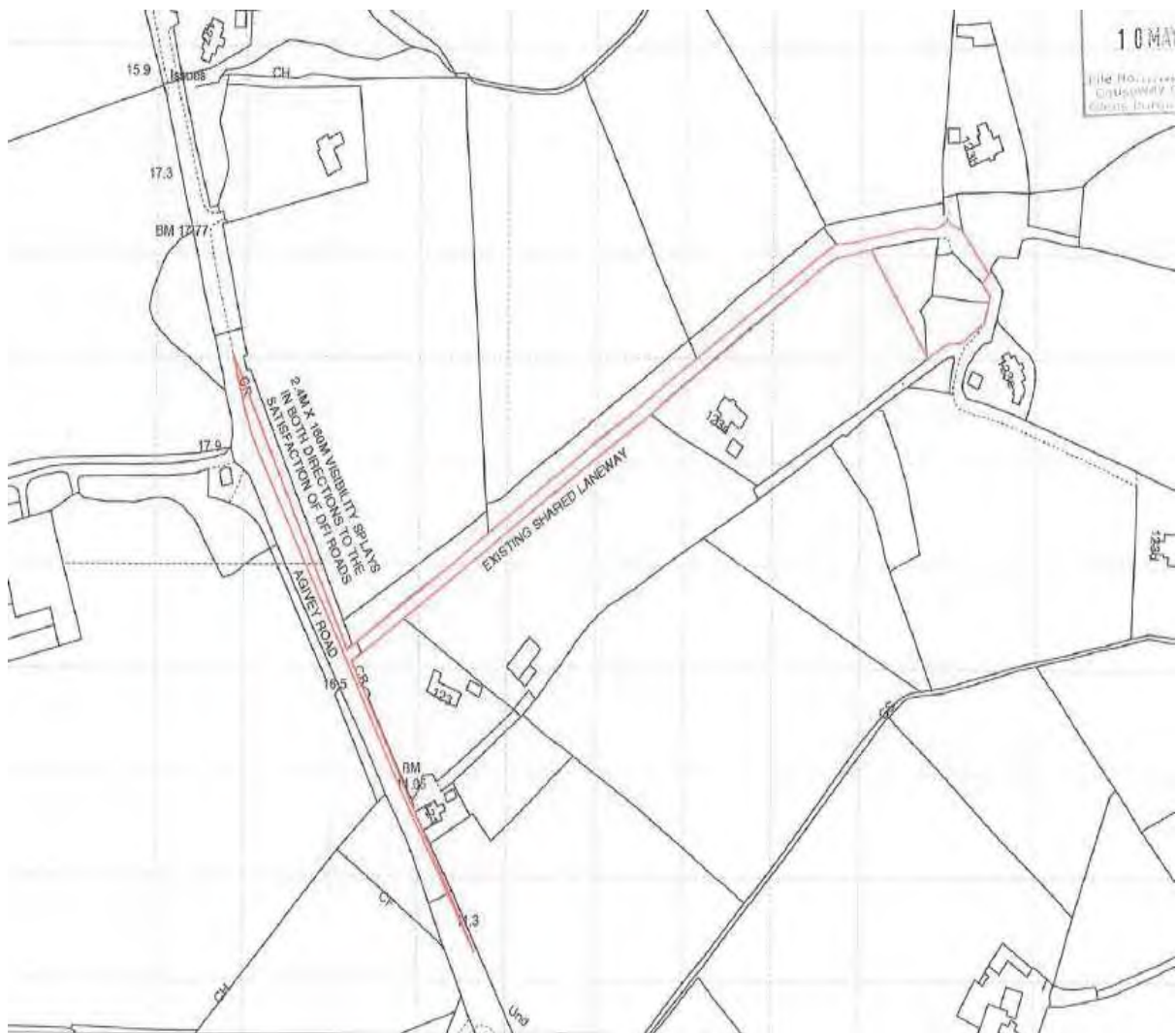
9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with Policy CTY 2a of PPS 21 and would not be considered an exception under Policy CTY 8 of PPS 21. The proposal would further erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21. 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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the site is not located within an existing cluster, does not appear as a visual entity in the local landscape, is not

bounded on at least two sides with other development and is not considered to be rounding off and consolidation with an existing cluster.

3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings. It does not respect the traditional pattern of settlement exhibited in the area and therefore would cause a detrimental change to the rural character of the area.



Addendum and Erratum

LA01/2018/0566/O

Update

Further information was submitted by the agent raising a number of points.

The agent was disappointed in the lack of communication and opportunity to discuss the planning concerns during the processing of the application. Planning would advise that the application was processed in line with the Efficient Development Management Guidance note. It states that proposals that are fundamentally unacceptable in planning terms are progressed to the contentious list at the earliest appropriate opportunity.

The agent queried the number of objections. To clarify Paragraph 5.1 of the Planning Committee report should include the following:

Three (3) No objections were received from 2 No. properties;

The following issues were raised:

- No existing right of way for any additional properties, or at the proposed entrance
- Impact on privacy
- Roads safety at the access
- Concern with damage to the laneway
- Devaluation of property
- Overbearing and visually intrusive
- Impact from noise

The Planning Committee report assesses the potential impact from overlooking and the proposed setting in paragraphs 8.9 and 8.15. This is an outline application and no details on design are available.

DFI Roads were consulted as part of the application process and commented on the points raised by the objectors. DFI Roads have no objection and advise that adequate visibility splays can be achieved in both directions.

Environmental Health were consulted and raise no concern in relation to noise. Conditions were proposed in relation to the working hours for the construction

The purpose of Planning is set out in the SPPS. It states that it does not exist to protect the private interests of one person against the activities of another.

Right of ways and ownership of land are a civil matter and any developer is required to satisfy themselves that they have the appropriate control of land to enable any proposed development.

The agent advises that this is a historic node and historic road network which development has been approved around. The application has been considered under current policies including Policy CTY 2a as set out in the Planning Committee Report.

The agent refers to 4 dwellings approved on the laneway. These properties were approved under previous policies in the Rural Planning Strategy for Northern Ireland which have been superseded.

The agent raises concern that the consideration does not refer to the historic setting of the previous building on site. Replacement of the footing was considered under planning application listed in paragraph 3 of the Planning Committee report and recommended for refusal. The current application has assessed the proposal under Policy CTY 2 as mentioned above. There is no building to be replaced and whilst historically there was evidence of a building in the application site it does not meet with current planning policy.

Recommendation

That the above refusal reason is accepted and added as a further reason for refusal as set out in section 10 of the Planning Committee Report.