

<b>Planning Committee Report</b> <b>LA01/2018/0474/O</b>	<b>23<sup>rd</sup> January 2019</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>App No:</u></b>	<b>LA01/2018/0474/O</b>	<b><u>Ward:</u></b>	<b>Altahullion</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>Lands 50m North West of Dungiven FC, Ballyguddin Road, Dungiven</b>		
<b><u>Proposal:</u></b>	<b>Proposed infill dwelling and garage</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>23.04.2018</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Mr D McGurk, 10 Hass Road, Dungiven, BT47 4YD</b>		
<b>Agent:</b>	<b>Matrix Planning Consultancy, Saba Park, 14 Balloo Avenue, Bangor, BT19 7QT</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1.0 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.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at lands 50m North West of Dungiven Celtic Football Club, Ballyguddin Rd, Dungiven. The application site is contrived from an agricultural field along the Ballyguddin Rd, and comprises approximately half the width of the field. The application site is located between two semi-detached dwellings (7 and 9) to the west of the site and the pitch and changing facilities and parking area associated with Dungiven Celtic FC to the east. The site has a slight undulation throughout the front portion of the site and the site falls in a western direction from the eastern boundary. The roadside boundary of the site is defined by a post and wire fence with clumps of gorse hedgerow intermittently spread along the boundary. The eastern site boundary is defined by the metal fencing and catch nets associated with the Football Club immediately adjacent. The rear site boundary is currently undefined. The western site boundary is currently undefined and forms the common boundary with the adjacent application LA01/2018/0476/O which is running concurrently with the application.
- 2.2 The site is located in the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is not located within any environmental designated sites, located just outside Ogilby Estate LLPA (DGL 01) and Pellipar House which is a Historic Park (LHP 08). The site is located a short distance to the North and West of Dungiven and the immediate vicinity of the site is relatively rural in nature. The predominant land use in the area is agricultural and development along Ballyguddin Rd is sparse with only the development at the Football Club and the two dwellings at 7 & 9 in close proximity to the site.

### **3.0 RELEVANT HISTORY**

#### **3.1 Within field in which application site is located**

LA01/2018/0476/O - Proposed infill dwelling and garage - - Lands 30m East of 7 Ballyguddin Road, Dungiven - Current Application

LA01/2016/1205/O - Proposed dwelling and detached double garage - 230m South-West of 433 Drumrane Road, Dungiven – Application Withdrawn 13.01.2017

B/2014/0170/F - Small economic development in the form of a farm shop to serve local community - 66m SE of No 7 Ballyguddin Road, Dungiven - Application Withdrawn 25.05.2016

#### **Adjacent to field in which application site is located**

LA01/2016/0495/F - Dungiven Celtic FC, Ballyguddin Road, Dungiven - Replacement of existing club rooms, changing room and storage buildings with a proposed new one storey pavilion building to include club/meeting rooms, kitchen, two referee changing rooms, four changing rooms, disabled changing room, toilets, plant room, yard, equipment store, main store and seated terrace for 51 persons. Associated site works including application of a bitmac surface to an existing hard-core carparking area – Approved 13.12.2016

### **4.0 THE APPLICATION**

4.1 Outline Planning Permission is sought for an infill dwelling and garage. The application site is located at the immediate roadside along Ballyguddin Rd, between a pair of semi-detached dwellings at Nos. 7 and 9 and Dungiven F.C which includes a playing pitch and a number of temporary structures which are used for storage and changing facilities. No plans have been submitted to assess the scale and design of the proposed dwelling.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

**Neighbours:** There are no objections to the proposal.

## 5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

Shared Environmental Services: No objections.

DAERA Water Management Unit: No objections.

DAERA Natural Environment Division: No objections.

Rivers Agency: No objections.

## 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 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 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, integration and rural character, access, odour/noise and Habitat Regulations Assessment.

### **Principle of Development**

8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of

development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted as an infill dwelling within a substantial and continuously built up frontage and therefore falls to be assessed against Policy CTY 8.

8.3 Policy CTY 8 entitled Ribbon Development 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. The definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This is reiterated by paragraph 6.73 of SPPS.

8.4 The application site is located within a roadside field which is bounded on either side by a pair of semi-detached dwellings to the west (Nos. 7 and 9), and Dungiven Celtic Football Club to the east. The football complex comprises of the playing pitch, car parking/hardstanding areas and structures including a storage container and changing and storage facilities which are of a temporary/mobile construction. The structures do not appear to be permanently fixed in place and could be removed at any time with relative ease. As such they cannot be regarded as being buildings for the purposes of infilling and therefore there are no suitable existing buildings within the Dungiven Celtic Football Club site. This approach has been endorsed by the Planning Appeals Commission within appeal 2015/A0152 where the Commission did not accept a corrugated iron shelter and container to represent a group of buildings given their lack of permanence.

8.5 Approval for the replacement of the existing clubrooms with a new permanent building approved under LA01/2016/0495/F exists on the adjacent Dungiven F.C. site, however this planning approval has not been implemented as yet and therefore

determining weight cannot be afforded to this approval. Again the Planning Appeals Commission reinforces this approach within appeals 2015/A0249 and 2015/A0250, Paragraph 10. Therefore given the lack of buildings on the football club site, there is no substantial and continuously built up frontage at this location, and consequently no gap to infill. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY8 of PPS21. In addition, as there is no buildings to the east of the application site a dwelling on the site would result in a linear extension of development extending from Nos. 7 and 9 which would result in ribbon development which is also contrary to Paragraph 6.73 of the SPPS, Policy CTY8 and Criteria D of Policy CTY14 of PPS21.

- 8.6 The field in which the site is located has a frontage width of approximately 85m. In terms of the established character along the frontage the two semi-detached dwellings to the west of the site comprise dwellings in close proximity to the road contained within long, narrow plots. The plot at No. 7 measure approximately 25.5m in width and the plot at No. 9 measures approximately 20m. The Football club to the east of the side has a frontage width along Ballyguddin Rd equating to approximately 160m, however the extent of this plot width is dictated by the scale and orientation of football pitch and associated car parking to the eastern end. When comparing the application site to the established character/pattern of development it is not appropriate to compare the plot size to that of the football club given that the size and nature of the site is dictated to by the length of football pitch and also by the fact that there are no permanent buildings on this site.
- 8.7 The agent argues that an average plot width should be taken when assessing frontage lengths. The average plot length of the two dwellings at Nos. 7 (25.5m) and 9 (20m) and the football pitch equates to 68.5m. That being the case the application site, with a frontage of 42.5m neither respects the existing plot sizes of the two dwellings, the plot size of the football pitch, nor the average plot width. The use of average plot size results in the field being too large for one dwelling and too small for two dwellings, and therefore is not respectful of local character.
- 8.8 Policy CTY 8 requires that the gap to be infilled is small, and can only accommodate a maximum of two dwellings. The gap between the dwelling at No.7 and the closest structure within the

Dungiven F.C. site is approximately 125m. The gap between No. 7 and the approved replacement clubrooms and changing facilities approved under LA01/2016/0495/F is slightly further at approximately 130m. With a plot width of 42.5m, the gap, crucially, could accommodate up to three dwellings, and as such cannot be regarded as a small gap site, and therefore fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8. As the proposal fails to comply with Policy CTY8 and no other overriding reasons as to why this development is essential in this rural location and could not be located within a settlement the proposal is also contrary to Policy CTY1 of PPS21.

### **Integration and Rural Character**

- 8.9 In terms of integration the site is open and exposed given the lack of mature boundary definition, with the exception of the western boundary. Views of the site are available when approaching along Ballyguddin from the east and also on approach along Drumrane Rd from the north and east. A dwelling on the application site would appear conspicuous from these vantage points due to the open nature of the site and would fail to suitably integrate. The Planning Department consider that the site lacks the necessary boundary vegetation to allow a dwelling to suitably integrate on the site. Therefore given the inability of the site to satisfactorily absorb the proposed development the proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY 13 in that the site lacks long established natural boundaries and would be unable to provide a suitable degree of enclosure for the dwelling to integrate and would rely primarily on the use of new landscaping for integration.
- 8.10 As mentioned above at Paragraph 8.5 a dwelling on the site would result in a linear extension of development extending from Nos. 7 and 9 which would result in ribbon development which is also contrary to Paragraph 6.70 of the SPPS and Criteria D of Policy CTY14 of PPS21.

### **Access**

- 8.11 Access to the site is proposed directly onto Ballyguddin Rd through the formation of a new access. TransportNI have been consulted and have offered no objections subject to the access being a paired access. The proposal satisfies the requirements



of Policy AMP2 of PPS3 in that it would not prejudice road safety or significantly inconvenience the flow of traffic.

### **Odour/Noise**

- 8.12 Consultation with NI Water has identified that the site is located within a development consultation zone in proximity to a Waste Water Treatment Works (WWTW) and there is a possibility of nuisance from WWTW odours and noise may also be a problem.
- 8.13 The application site is located approximately 380m north west of the WWTW which is situated on the eastern side of the River Roe, and west of the housing development of Lackagh Park, Dungiven. The application site is separated from the WWTW by the Dungiven F.C. site and by agricultural lands which contain mature trees and vegetation. The prevailing winds for Northern Ireland are South Western (Met Office Website) and as such odour emissions from WWTW are likely to be directed away from the site on the majority of occasions. Environmental Health were consulted with regards this specific issue and have commented that they have received no complaints in relation to odour from the WWTW. Considering the above factors the Planning Department are of the opinion that there will be no adverse on potential occupants from the WWTW.

### **Habitats Regulations Assessment**

- 8.14 Shared Environmental Services were consulted on the proposal and have concluded that it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.
- 8.15 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

## **9.0 CONCLUSION**

- 9.1 The application site is not within a substantial and continuously built up frontage and as a result would result in the creation of ribbon development. The gap in which the site is proposed is not

a small gap in that it could accommodate more than 2 dwellings. No other reasons as to why the development is essential in this rural area have been provided. Additionally dwellings on the site would fail to sufficiently integrate within the site. As such the proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY1, 8, 13 and 14 of PP21.

## **10.0 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial and continuously built up frontage at this location; there is no small gap which can accommodate a maximum of two dwellings, and the proposal would, if permitted, result in the addition of ribbon development along Ballyguddin Road.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed buildings rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted be unduly prominent in the landscape; result in the creation of ribbon of development along Ballyguddin Road and would therefore result in a detrimental change to the rural character of the countryside.

# Site Location Map

