

Planning Committee Report LA01/2020/1164/F	24th March 2021
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>	LA01/2020/1164/F	<u>Ward:</u>	Castlerock
<u>App Type:</u>	Full		
<u>Address:</u>	Site at the corner of St Paul's Road and Fairview Park, Articlave.		
<u>Proposal:</u>	Alterations to existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	10/11/2020
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Graham Miller, Capital Works Team, Causeway Coast and Glens Borough Council, 14 Charles Street, Ballymoney, BT53 6DZ.		
<u>Applicant:</u>	1718 Articlave Group, 6a Bratwell Road, Macosquin, BT51 4LB		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- Full planning permission is sought for alterations to the existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.
- The site is located within the development limit of Articlave as defined in the Northern Area Plan 2016.
- The proposed galvanised and polyester powder coated fencing is 1.2m in height and forms a rectangular enclosure around the 'Home to Roost' sculpture measuring approximately 2.83m in width and 3.8m in length. The enclosed area is to be paved using Tobermore brick paviours.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS and PPS 6.
- When assessed against Policy DES 2, the scale of the fencing is considered acceptable given the existing use of the land and will therefore not detract from the character of the open space. The proposal respects the immediate and wider built form of the surrounding area and will contribute positively to the existing land use.
- The potential impacts of the proposal relate to an archaeological site and monument (St. Paul's Parish Church) and Historic Environment Division raise no objection to the proposal.
- No objections were received for this proposal.
- Approval is recommended.

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

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, guidance, and consideration 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 site currently features the 'Home to Roost' sculpture within an area of open green space on the corner of a residential site at the corner of Fairview Park and St. Paul's road.
- 2.2 The application site is located within the development limits of Articlave as set out in the Northern Area Plan 2016.

3 RELEVANT HISTORY

- LA01/2019/0789/F – Site at the corner of St Paul's Road & Fairview Park, Articlave – Erection of granite sculpture – Permission granted – 05/11/2019.
- LA01/2019/1278/NMC – Site at the corner of St Paul's Road & Fairview Park, Articlave – Relocation of sculpture by 2.4m north of approved location and re-orientation – Non-material change granted.

4 THE APPLICATION

- 4.1 Planning permission is sought for alterations to existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.

Habitats Regulation Assessment

- 4.2 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 sites.

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection or support were received with this application.

5.2 Internal

HED: Historic Buildings has no objections to the proposal.

HED: Historic Monuments has no objections to the proposal.

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:

- The 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

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

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

A Planning Strategy for Rural Northern Ireland

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development and the visual impact, impact on built environment and other matters.

Planning Policy

- 8.2 The site is located within the settlement development limits of Articlave.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.5 Policy DES 2 of A Planning Strategy for Rural NI sets out the assessment for considering this type of proposal within towns and villages. It states that proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Therefore, the principle of new fencing and paving within the settlement limit is acceptable provided it is sensitive to local character and positively contributes to the townscape. If these two requirements are satisfied, then the proposal meets the spirit of good planning and design principles as identified within the SPPS.

Visual Impact

- 8.6 The fencing is to be 1.2m in height and creates a rectangular enclosure measuring 2.83m by 3.8m around the 'Home to Roost' sculpture. The enclosed area is also to be paved in Tobermore brick paviours.
- 8.7 The proposal is unlikely to have a detrimental impact on the townscape of Articlave. There is an existing fence at this location, and this proposal will result in its removal with a new fence sited as proposed. The brick paviours is an acceptable surface.
- 8.8 Policy DES 2 outlines the importance of land use, amenity and design within a town. The proposal for fencing and paving to surround the existing sculpture is suitable within the streetscape, and does not have an adverse impact on the character of Articlave or residential amenity.

Impact on Built Environment

- 8.9 Historic Environment Division (HED) was consulted as the competent authority regarding the impact of the proposal on the setting of the nearby listed building, St. Paul's Church, which is located approximately 75m from the application site. It has no objection to the proposal as it states that it has no demonstrable impact on the setting of the listed building.
- 8.10 Having regard to the proposed scheme, and the comments from HED, it is considered that the scheme satisfies policy BH 11 of PPS 6: Planning, Archaeology and the Built Heritage as it will not adversely affect the setting of a listed building.

Other Matters

- 8.11 There is an existing fence next to the site, which runs along the back of the footpath near to road. While some of the proposed fence will be sited in this same location, part of this will be removed proposing a new fence closer to the sculpture. This is to enclose a more intimate and discreet area surrounding the enclosure. This will reflect the area of brick paving and harmonise this space. As the fence is either sited on the line of an existing fence, or will be moved further from the road, there will be no greater impact on any traffic using this area. It is considered that it is not necessary to carry out consultation with DfI Roads and the proposal complies with PPS3.

9 CONCLUSION

- 9.1 The proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, Rural Strategy for Northern Ireland and PPS 6. The proposal is sympathetic to the surrounding properties in terms of scale, mass and form and in relation to its assimilation into the streetscape. The proposal will not adversely affect the setting of the listed building and will positively contribute to the street scape. Approval is recommended.

10 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

Informatives

1. 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.
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 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.
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. 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 Map

