

<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2020/1164/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> June 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	<b>N/A</b>
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>No:</u></b>	<b>LA01/2020/1164/F</b>	<b><u>Ward:</u> Castlerock</b>
<b><u>App Type:</u></b>	<b>Full</b>	
<b><u>Address:</u></b>	<b>Site at the corner of St Paul's Road and Fairview Park, Articlave.</b>	
<b><u>Proposal:</u></b>	<b>Alterations to existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.</b>	
<b><u>Con Area:</u> N/A</b>	<b><u>Valid Date:</u> 10/11/2020</b>	
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	
<b><u>Agent:</u></b>	<b>Graham Miller, Capital Works Team, Causeway Coast and Glens Borough Council, 14 Charles Street, Ballymoney, BT53 6DZ.</b>	
<b><u>Applicant:</u></b>	<b>1718 Articlave Group, 6a Bratwell Road, Macosquin, BT51 4LB</b>	
<b><u>Objections:</u> 0</b>	<b><u>Petitions of Objection:</u> 0</b>	
<b><u>Support:</u> 0</b>	<b><u>Petitions of Support:</u> 0</b>	

## **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 pavements.
- 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 pavements 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



# Addendum 1

## LA01/2020/1164/F

### 1.0 Update

- 1.1 An objection was received on 12<sup>th</sup> March 2021 following the publication of the Planning Committee Report. This is an objection from an Agent on behalf of their clients, and it raises concerns about the need for a fence, disabled access, that the fence is ugly and unwelcomed and will obliterate the sculpture which will cheapen the expense of the sculpture, and was the input of the artist of the sculpture sought in relation to this proposal as it seems to be alien to the design of the sculpture.
- 1.2 On the cover page of the Planning Committee report it should be noted that there is now 1 Objection.

### 2.0 Consideration

- 2.1 The first concern raised is “*Why is the fence necessary?*” There is no policy requirement to demonstrate need for such an application.
- 2.2 The second concern queries “*Has disabled access been allowed for as part of the proposal and how has this been designed?*” There is no requirement for any individual to have physical contact with the sculpture.
- 2.3 The third concern again raises the issue of need and states that “*We consider there to be no need for this fence, and rather consider the fence an extremely ugly and unwarranted arrival, when public sculpture should be accessible for all. As a low-ish sculpture, the bottom half of the sculpture will be obliterated by this fence, even although it is a mesh fence, and this seems completely unviable considering the expense in the sculpture.*” As set out in Para. 2.1 there is no policy requirement to demonstrate need. The other matters are subjective.

2.4 The final concern asks “*Was the context of this fence and paving designed by the artist, or is this work undertaken without their input – it seems to be an entirely alien proposal when aligned with the design of the sculpture.*” This is a matter for the applicant and is immaterial to the consideration of this application.

### **3.0 Recommendation**

3.1 That the Committee note the contents of the objection and this Addendum, and agree with the recommendation to approve as set out in Paragraphs 1.1 & 9.1 of the Planning Committee Report.

# **Addendum 2**

## **LA01/2020/1164/F**

### **1.0 Update**

- 1.1 This application was presented to the Planning Committee on Wednesday 24<sup>th</sup> March 2021. At this meeting the Planning Committee voted to defer the application and seek an amendment of the Scheme to remove the fence.

### **2.0 Consideration**

- 2.1 The applicant was informed of the concerns raised by the Planning Committee regarding access to the sculpture and that it was considered that to have a fence surrounding the entire sculpture was not acceptable.
- 2.2 The applicant advised that it was their intention to remove the section of existing fence that is currently running along the back of the footpath and to the front of the sculpture. However, this was unclear from the plans previously submitted.
- 2.3 Revised plans have now been received (30<sup>th</sup> March 2021) and the necessary consultation has taken place. This revised plan clearly illustrates the area of fence to be permanently removed, which is to the front of the sculpture running along the back of the footpath, with a new area of fencing running either side of, and behind the sculpture. This will allow access for all to the sculpture.
- 2.4 This revised proposal accords with Policy and is acceptable. It allows for the sculpture to be viewed from the front, immediately surrounded by a proposed area of hardstanding.

### **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and Addendum 1, and agree with the recommendation to approve as set out in Paragraphs 1.1 & 9.1 of the Planning Committee Report.

# Addendum 3

## LA01/2020/1164/F

### 1.0 Update

- 1.1 A letter of objection was received on 13<sup>th</sup> May 2021 following receipt of revised plans. This is a further objection from the Agent who previously objected (12<sup>th</sup> March 2021).
- 1.2 On the cover page of the Planning Committee report it should be noted that there are 2 Objections.

### 2.0 Consideration

- 2.1 The first concern raised is that the fence *creates an austere and unnatural enclosure around the sculpture*. Part 3 *Minor Operations* of The Planning (General Permitted Development) Order (Northern Ireland) 2015 allows for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure up to 1 metre adjacent to a road. This proposal is for a fence of 1.2 metres. This is material in the consideration of this application. Notwithstanding this, as this proposal meets planning policy, this concern is given limited weight.
- 2.2 The second concern is that at the last planning meeting it was clarified that the fence application was not in fact required and yet it is proceeding. The concerns raised by Members was relayed to the applicant's agent, who has clarified that the sculpture will still be accessible as the existing fence along the back of footpath is to be removed. Officers must make a recommendation based on the information submitted and, as the proposal meets policy, a recommendation is being made to approve the application.
- 2.4 The objector then suggests a revised proposal and position for the fence with a plan submitted to illustrate this. However, this is not the proposal under consideration and a recommendation and decision must be taken on the plans as submitted.

2.5 The objector makes a final comment regarding possible concerns the sculpture's artist may have as it is to be *hidden by fencing*. This is conjecture and the sculpture will still be visible, not hidden as alleged. This concern is therefore given limited weight in the consideration of this application.

### **3.0 Recommendation**

3.1 That the Committee note the contents of the objection and this Addendum, and agree with the recommendation to approve as set out in Paragraphs 1.1 & 9.1 of the Planning Committee Report.