

Title of Report:	Planning Committee Report – LA01/2020/0347/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th August 2021
For Decision or For Information	For Decision

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

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

Screening Requirements	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:

No: LA01/2020/0347/O **Ward: Rasharkin**

App Type: Outline Planning

Address: 40m West of 1 Lisheegan Lane Bendooragh Road, Ballymoney.

Proposal: Proposed Residential Dwelling House and Garage.

Con Area: n/a **Valid Date: 18.03.2020**

Listed Building Grade: n/a

Agent: Northern Real Estate, 43 New Row, Coleraine. BT52 1AE

Objections: 0 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

EXECUTIVE SUMMARY

- Outline planning permission is sought for a dwelling and garage.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations. It is marginally affected by an area of pluvial ponding
- The principle of development is considered unacceptable having regard to Policy CTY 2a in that it is not at an existing cluster which appears as a visual entity in the local landscape and is not associated with a focal point. It is also considered unacceptable having regard to Policy CTY 8 as the gap site can accommodate more than 2 dwellings and is therefore not an exception under policy.
- As the proposal fails to comply with Policies CTY2a and CTY 8, it is also unacceptable under Policy CTY 14 as it will create a ribbon of development along Bendooragh Road and affect rural character.
- NIEA – NED consultation response request the submission of a biodiversity checklist to assess the potential impact on natural heritage interests. This consultation response is available to view on public access and the information has not been submitted.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit) were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises part of a roadside plot at the junction of Bendooragh Road and Lisheegan Lane. The western site boundary of the site comprises road frontage along Bendooragh road and is defined by a post and wire fence and overgrown ditch. The northern boundary comprises road frontage along Lisheegan Lane and is similarly partially defined by a post and wire fence and low level ditch. The eastern boundary abuts the curtilage to No 1 Lisheegan Lane (the applicant's address) which is defined by a wooden post and rail fence.
- 2.2 The site itself comprises a fairly rectangular area of land extending to approximately 0.3ha. The land falls slightly away from the level with Bendooragh Road with the proposed site set at a slightly lower level. The site is quite overgrown comprising a variety of immature trees and vegetation. The remainder of the plot to the immediate south of the site does not form part of the current application and currently includes a small agricultural type building and access.
- 2.3 The site is located within a rural, non-policy area as designated by the NAP 2016. The character of the area is generally rural but does incorporate a number of individual dwellings and farm-holdings / buildings within the wider vicinity of the site including a meat factory located adjacent No 157 Bendooragh Road. The site is marginally affected by an area of pluvial ponding.

3 RELEVANT HISTORY

D/1993/0026 – Bendooragh Road (Adj No1 Lisheegan Lane).
Site for Bungalow.
Granted 18.03.1993.

D/1993/0027 – 1 Lisheegan Lane Rosnashane Ballymoney.
Site for replacement two storey dwelling.
Granted 18.03.1993.

D/1993/0307 – Adj 1 Lisheegan Lane Rosnashane Ballymoney
Erection of 2-storey dwelling.
Granted 09.03.1994.

D/1996/0056 - Bendooragh Road Adj 1 Lisheegan Lane.
Site for Bungalow (renewal).
Granted 22.03.1996.

D/2004/0273/RM – 50m north of 1 Lisheegan Lane,
Ballymoney.
2 no. dwellings and 2 no. garages.
Granted 14.10.2005.

D/2009/0360/F – 50m South of 1 Rosnashane Road, Lisheegan
Lane, Kilrea.
Proposed dwelling & garage.
Granted 25.11.2010.

LA01/2016/0881/RM – 45m East of 153 Bendooragh Road
Ballymoney.
Proposed 2-storey dwelling and garage.
Granted 05.01.2017.

LA01/2017/1159/F - 50m North of 1 Lisheegan Lane
Ballymoney.
Erection of dwelling and garage. Change of house type and
reduction in dwelling numbers from previous approval
D/2004/0273/RM.
Granted 27.06.2018.

LA01/2018/1101/O - 65m West of 1 Lisheegan Lane
Bendooragh Road, Ballymoney.
Proposed Dwelling (site 2).
Application Withdrawn

LA01/2018/1102/O - 40m West of 1 Lisheegan Lane
Bendooragh Road, Ballymoney.
Proposed Dwelling (Site 1)
Application Withdrawn

4 THE APPLICATION

- 4.1 The application proposes outline planning permission for a Residential Dwelling House and Garage

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle 06.05.2020

Neighbours: There are no objections to the proposal

5.2 Internal

DfI Roads - No objections.

Northern Ireland Water - No objections.

Environmental Health - No objections.

DAERA Water Management Unit - No objection subject to standing advice.

DAERA Natural Environment Division - Require the submission of a biodiversity checklist.

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 both 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

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk.

Building on Tradition

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to; principle of development, visual integration, rural character and natural heritage issues.

Planning Policy

- 8.2. The Northern Area Plan 2016 identifies the site as being located within the countryside, outside any defined settlement limits.
- 8.3. There are no specific zonings or designations relating to this land set out in the Northern Area Plan 2016. The site is located within the open countryside as defined by the Northern Area Plan 2016 and is marginally affected by pluvial ponding.
- 8.4. The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.5. Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21 – Sustainable Development in the Countryside, Policy CTY 1 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Acceptable types of development include CTY2a – New Dwellings in Existing Clusters and the infilling of a gap site, provided this represents an exception to Policy CTY 8.
- 8.6. The policy context for the proposal has not been referenced in the submission and no supporting evidence is included. The most relevant policy context is Policy CTY2a – New Dwellings in Existing Clusters or as an exception to Policy CTY8 – Ribbon Development.
- 8.7. Policy CTY2a states that permission will be granted for a dwelling within an existing cluster of development provided all of the outlined criteria are met. Policy CTY2a does not define what

a cluster of development is, however the first three criteria give an indication of its intended meaning.

- 8.8. The first criterion requires that the cluster of development must lie outside of a farm and consist of four or more buildings (excluding ancillary buildings) of which at least three are dwellings. The application includes a site location plan which identifies the extent of existing development from No 147 Bendooragh Road to the north to 160 Bendooragh Road to the south as well as No 157 Bendooragh Road to the west and No 1 Lisheegan Road to the east.
- 8.9. The existing built form within the wider context of the site comprises 10 individual dwellings some of which include outbuildings and agricultural buildings. The identified buildings also includes a large meat factory building located adjacent No 157 Bendooragh Road. Although a number of buildings relate to farm holdings within the identified extent of development, the cluster as identified incorporates four or more buildings lying outside a farm (of which at least three are dwellings) and meets the first criterion.
- 8.10. The second criterion requires that the cluster appears as a visual entity in the local landscape. As noted above the cluster as identified in the application incorporates a number of buildings and dwellings however these do not appear as a visual entity within the local landscape. The extent of development effectively comprises two distinct groups, development south of the Bendooragh Road / Lisheegan Lane junction and that to the north. Site inspection indicates that visual linkage between the identified properties is reduced much further due to the layout of the public road combined with existing vegetation and screening.
- 8.11. Travelling in a north-easterly direction along the Bendooragh Road there is awareness of No 157, the adjacent meat factory, No 160 with adjacent agricultural building as well as the applicant's agricultural building and some more restricted views of the applicants dwelling at No 1 Lisheegan Lane. Additional filtered views of No 3 Lisheegan Lane exist but there is no comprehension of the identified extent of development as a

singular visual entity, rather it appears as a very loose form of rural development.

- 8.12. Due to the 90 degree corner in Bendooragh Road just prior to the site, combined with the extent of site vegetation and hedgerows and trees within the wider context, views of No 156 and 2 Lisheegan Lane are quite limited and generally not read in conjunction with the extent of development identified above. There is very little awareness, if any, of Nos 152, 154, 153, 147 and ancillary buildings until beyond this corner from which point views gradually emerge as you travel north.
- 8.13. Travelling in the opposite direction along Bendooragh Road from North of No 147, there is very little awareness of Nos 152, 153, 154 and 147 as a visual entity due to existing mature vegetation and virtually no awareness of the remainder of development until beyond the junction with Lisheegan Lane. From Lisheegan Lane mature vegetation filters views linking existing buildings and are restricted to a small number of dwellings at any critical point.
- 8.14. Although there may be a slightly higher level of development within the wider context of the site than many rural areas neither the identified cluster nor any part of it appears as a single visual entity. Rather, existing development comprises a very loose arrangement which currently does not appear incongruous within the rural context with critical views limited by the road layout and existing vegetation. As the identified buildings do not form a visual entity the proposal fails the second criterion.
- 8.15. The third criterion of policy CTY2a requires that the cluster is associated with a focal point such as a social / community building or is located at a cross roads. Although the public road does comprise a slightly unusual arrangement at the junction of Bendooragh Road and Lisheegan Lane it does not form a cross roads. Additionally the meat factory building is located within the vicinity of the site (at the most south-eastern end of the identified cluster) but is not a social / community building which could be considered as a focal point. As the proposal is not associated

with a focal point nor is it located at a cross roads it also fails the third criterion.

- 8.16. In terms of the degree of enclosure, the proposed site incorporates limited boundary definition with a mix of post and wire fencing and overgrown ditches. The site does incorporate some fairly extensive semi-mature planting and although the vast majority would require removal to facilitate the proposed development (including access arrangements), the site could potentially provide a suitable degree of enclosure. The site is bounded on one side by the applicants own dwelling curtilage as well as the applicants small agricultural building to the immediate south, therefore the site is considered to be bounded on at least two sides with other development.
- 8.17. The fifth criterion requires that development 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. The proposed site is not located at an existing cluster of development and, if granted, would create substantially greater visual linkage between what is currently a very loose form of development. As a result it would significantly alter the existing character and visually intrude into the open countryside.
- 8.18. In terms of residential amenity the site is generally capable of development without causing significant detriment to residential amenity and could incorporate satisfactory levels of private amenity space.
- 8.19. The proposal fails the tests of Policy CTY2a and is considered unacceptable.
- 8.20. Policy CTY 8 of PPS21 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Paragraph 5.33 of the Justification and Amplification text outlines what can constitute a ribbon of development and includes buildings sited back, staggered or at angles... if they have a common frontage or they are visually linked.

- 8.21. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that 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.
- 8.22. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, providing the relevant tests are met.
- 8.23. In determining whether an “infill” opportunity exists it is necessary to identify whether there is a substantial and continuously built up frontage present which for the purposes of policy “includes a line of three or more buildings along a road frontage without accompanying development to the rear”.
- 8.24. The subject site comprises a fairly rectangular plot with frontage onto both Bendooragh Road and Lisheegan Lane. Development along Lisheegan Lane comprises No 3 as well as the applicant’s own dwelling and garage at No 1. The existing domestic garage at No 1 is set both behind and further back from the public road than the existing dwelling and is also orientated gable to the public road. As such it is not considered to have road frontage in its’ own right. As a result a substantial and continuously built up frontage does not exist along Lisheegan Road. Even if it were deemed to form part of a built up frontage, the site is not positioned as a small gap within it.
- 8.25. Although access is proposed from Lisheegan Road, the site incorporates an extensive road frontage of approximately 70m onto Bendooragh Road. Existing development along the eastern side of Bendooragh Road (to the north and immediate south of the subject site) comprises three dwellings north of the road

junction with Lisheegan Road and the applicants' agricultural building to the immediate south of the site.

- 8.26. In policy terms the number of existing buildings could be considered to meet the definition of a continuously built up frontage as defined within policy. However, the application relies on existing development located either side of the extensive junction arrangement at Lisheegan Lane which extends to approximately 30m. The intervening junction means that the extent of development along Bendooragh Road could not be considered a continuously built up frontage in the ordinary sense and therefore does not represent an exception to Policy CTY8. PAC decision 2016/A0160 reflects this view. The Commissioner in this appeal states that a road, which was separating buildings along the frontage, constituted a break in the built development and as a consequence there was no continuous built up frontage along that part of the road.
- 8.27. Nos 152 and 154 consist of a pair of small traditional semi-detached dwellings extending to a combined plot frontage of approximately 40m including a wide access to agricultural buildings to the rear. No 156 comprises a large detached dwelling with road frontage extending approximately 60m including a side garden which occupies half the plot. The remaining agricultural building to the south of the proposed site retains a road frontage plot of approximately 40m.
- 8.28. Policy CTY8 allows an exception where the gap is sufficient only to accommodate up to a maximum of two houses. A gap of approximately 140m exists between buildings including the proposed site and side garden of No 156. Taking into consideration this extensive gap, the defined side garden plot of No 156 and the plot sizes along this part of Bendooragh Road the identified gap would be capable of accommodating more than two dwellings in a manner that would respect the existing development pattern. Consequently the site does not constitute a small gap site as identified in Policy CTY 8 and is considered unacceptable.

Integration and Rural Character

- 8.29. Paragraph 5.33 of the Justification and Amplification text of CTY8 outlines what can constitute a ribbon of development and includes buildings sited back, staggered or at angles... if they have a common frontage or they are visually linked. As noted above the subject site shares a road frontage with a number of existing buildings. The immediate locality is under pressure from development extending from No 160 to No 152 Bendooragh Road and the current proposal will create an extensive ribbon of development extending over 230m.
- 8.30. Policy CTY 13 of PPS21 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The policy also requires such proposals to meet a number of stated criteria.
- 8.31. Critical views of the site exist from both Bendooragh Road and Lisheegan Lane with open and sustained views of the site in all directions due to its corner location. The site is not elevated and the application proposes access onto Lisheegan Lane which appears to be achievable while retaining screening. While there are some concerns regarding the potential to satisfactorily integrate, the site does currently include quite extensive semi-mature trees and vegetation which could potentially provide reasonable screening and backdrop from critical views subject to a satisfactory form of development incorporating retention of the majority of vegetation. While the site does lack clearly defined mature boundary definition, the extent of vegetation over much of the site could provide a suitable degree of enclosure for the proposal to satisfactorily integrate.
- 8.32. Policy CTY 14 relates to rural character and states that a building will be unacceptable where any of a number of stated criteria are engaged. As the proposal is not considered an exception to Policy CTY8 it would result in ribbon of development extending approximately 230m. The proposal would result in a suburban style build-up when viewed with existing and approved buildings on both sides of the public road and would be detrimental to the character of the surrounding rural area.

Non-mains Sewerage

- 8.33. In relation to policy CTY16 the application proposes the use of a septic tank and soakaways within the site. This would appear to be achievable and Water Management Unit has referred to Standing Advice.

Access

- 8.34. Access is proposed from Lisheegan Lane. DFI Roads has been consulted on the proposal and raise no objections.

Drainage

- 8.35. The site is marginally affected by pluvial ponding. DFI Rivers has been consulted and raise no objections although a drainage assessment would be a requirement if the application involved a change of use over 1000sqm. As an outline application a conceptual layout has not been provided. The site is roadside and extends to just over 3000sqm and as such the combination of potential dwelling footprint and hard-standing for access / parking would not appear to exceed 1000sqm.

Biodiversity / Natural Heritage

- 8.36. DAERA has been consulted and Natural Environment Division request submission of a biodiversity checklist to assess potential impact on natural heritage interests. Site inspection indicates that the site is substantially overgrown and comprises fairly extensive vegetation including semi-mature trees combined with smaller shrubs and grasses / ground cover. A small watercourse also exists directly opposite the site on the Lisheegan Road (adjacent No 2) as well as to the south of the site. Within the wider site context which includes copses of mature trees and hedgerows, the site has significant biodiversity and habitat potential.
- 8.37. Step 3 of the Biodiversity checklist assists in identifying protected species potentially impacted by development of such habitat and specifically identifies;

- Field hedgerows and/or lines of trees with connectivity to woodland or water bodies;
- In or within 200 m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats.
- semi-natural woodland; scrub thicket.
- previously developed, derelict or brownfield land.
- mature or overgrown gardens, rough grassland; or scrubland.

8.38. In such environments the protected species identified as being potentially impacted includes bats, badgers, protected birds, lizards and newts. Based on this information a biodiversity checklist is necessary for consideration which may identify the need for further ecological assessments. The consultation response from DAERA NED is available on public access and the biodiversity checklist is available to download. The applicant has not submitted additional ecological information in response to the comments from NED. The Planning Authority has not made additional requests for the undertaking of this work due to the proposal being considered unacceptable in principle.

Habitat Regulations Assessment

8.39. 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.

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 including Planning Policy Statement 21 – Sustainable development in the Countryside. It has not been demonstrated that the proposal is one of the acceptable types of development permitted under policy CTY 1. Having considered the policy context and other material considerations this proposal fails to meet the policy requirements for a new dwelling.

9.2 The identified site is not located at an existing cluster. The gap can accommodate more than two houses having regard to the development pattern along the frontage in terms of size, scale, siting and plot sizes, and would result in the creation of a ribbon of development. The site also fails to satisfactorily integrate and impacts on rural character. The potential impact on natural heritage interests has not been satisfactorily resolved.

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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; and the dwelling would if permitted significantly alter the existing character of the cluster.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Bendooragh Road
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, result in a suburban style build-up of development when viewed with existing and approved buildings, add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to Paragraphs 6.172 and 6.192 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy

NH5 of Planning Policy Statement 2 Natural Heritage in that insufficient information has been provided to demonstrate that the proposed development will not have an adverse impact on natural heritage habitat or protected species.

Site Location Plan

