

Title of Report:	Planning Committee Report – LA01/2020/0377/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th January 2022
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:
	Screening Completed	N/A	Date:

Rural Needs Assessment (RNA)			
	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: LA01/2020/0377/F **Ward: CLOGH MILLS**

App Type: Full Planning

Address: Between 241 and 243 Finvoy Road. Rasharkin

Proposal: 2No. Infill dwellings and garages

Con Area: n/a **Valid Date: 09.04.2020**

Listed Building Grade: n/a

**Agent: Simpson Design NI Ltd. 42 Semicock Road, Ballymoney.
BT53 6PY**

Objections: 6 Petitions of Objection: 0

Support: 0 Petitions of Support: 0

EXECUTIVE SUMMARY

- Full planning permission is sought for two infill dwellings and garages.
- 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. NIE equipment exists on site.
- The principle of development is considered acceptable having regard to Policy CTY 8 of PPS21 as the proposal represents a gap site within a substantial and continuously built up frontage as defined.
- The proposal is also considered to meet the requirements of Policy CTY13 regarding Integration and Design and as the proposal represents an exception to policy CTY 8, it is also acceptable under Policy CTY 14 and will not affect rural character.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit and Natural Environment Division) were consulted on the application and raise no objection.
- There are 6 objections to the proposal raising a number of issues in relation to the principle of development and site specific issues.
- The application is recommended for approval.

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 **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises part of a large agricultural field incorporating road frontage onto the Finvoy Road. The site incorporates a fairly rectangular plot extending to approximately 0.18 hectares cut out of the agricultural field located to the immediate south of No 241 Finvoy Road. The existing agricultural field retains a small area of road frontage to the south of No 243 Finvoy Road. The site itself is set to the rear of a roadside verge which extends to approximately 2m in width with the roadside boundary defined almost entirely by a 1m hawthorn hedge.
- 2.2 The site is set below the level of the public road and continues to fall considerably in an easterly direction towards the existing western field boundary (which is beyond the identified site). Submitted ground levels indicate a substantial drop in levels of approximately 4m from the level of the public road to the western site boundary which is undefined. The northern site boundary abuts the existing farm grouping at No 241 Finvoy Road and is defined by a fairly traditional, linear agricultural building with a boundary wall to the rear. The south-eastern site boundary is a partially defined by a formal hedge which extends around a small garden area which forms part of the plot at No 243 Finvoy Road. The remainder of this site boundary is undefined.
- 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 includes a number of individual dwellings and farm

groupings within the immediate vicinity of the site including the farm grouping to the immediate north of the site at No 241 and a dwelling with yard and small outbuildings to the immediate south at No 243 Finvoy Road. Two additional detached bungalows are sited elevated on the opposite site of Finvoy Road from the subject site.

3 RELEVANT HISTORY

LA01/2017/0856/F – 243 Finvoy Road, Rasharkin.
Proposed replacement of existing 1 ½ storey dwelling and outbuildings with new 1 ½ storey dwelling and detached garage
Approved 23.11.2017.

LA01/2021/0127/F - 243 Finvoy Road, Rasharkin.
Proposed replacement dwelling (change of house type from LA01/2017/0856/F).
Approved 08.12.2021.

4 THE APPLICATION

- 4.1 The application proposes full planning permission for 2No. Infill dwellings and garages

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle 06.05.2020

Neighbours: There are six 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 objections subject to standing advice.

DAERA Natural Environment Division – No objections subject to a condition.

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 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 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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.
- 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. One of the acceptable types of development is the infilling of a gap site, provided this represents an exception to Policy CTY 8.

- 8.6. The application is described as 2 No Infill dwellings and therefore the SPPS and Policy CTY8 of PPS21 is the relevant policy context.
- 8.7. 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.
- 8.8. 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.
- 8.9. 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.
- 8.10. 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”.
- 8.11. The subject site comprises a fairly rectangular plot with road frontage onto Finvoy Road extending to approximately 44m. Existing development to the western side of Finvoy Road

comprises the farm grouping at No 241 and the existing dwelling and outbuildings at No 243.

- 8.12. No 241 Finvoy Road consists of a fairly narrow site with extensive yard and road frontage extending to approximately 100m. The farm grouping comprises a two storey farm dwelling with attached single storey linear building which would appear to have originally served as an outbuilding as well as a number of additional outbuildings which are fairly traditional in character. One of these buildings forms the northern boundary of the subject site and is set gable to the public road, forward of No 241. It is of reasonable scale and is considered to have as identifiable a visual and roadside presence as No 241. As such it is considered a building road frontage.
- 8.13. To the immediate south of the subject site is No 243 which comprises a modest one and a half storey dwelling orientated gable facing, and positioned beside the public road. No 243 also includes both an attached and detached outbuilding, although these are modest in scale relative to the dwelling, are set further back from the public road and would not necessarily be considered to contribute to the built up frontage given their limited size and visual impact.
- 8.14. Regardless, the existing built up frontage comprises three buildings consisting of No 241, the road frontage outbuilding and No 243 which form a continuous and built up frontage for the purposes of providing an exception to Policy CTY 8. The existing buildings are considered to represent a substantial and continuously built up frontage which book-end the subject site forming a gap site extending to 44m.
- 8.15. The application proposes two infill dwellings with individual sites comprising 22m plot frontage served by individual vehicular accesses. Proposed dwellings comprise a 13m frontage, are set back approximately in line with the dwelling at No 241 and are orientated towards the public road. Although the proposed plot sizes are certainly smaller than adjacent plots, they do not appear at odds with the existing development pattern taking into consideration the modest form of development at No 243 and will not appear incongruous. The subject site constitutes a small gap which is capable of accommodating the proposed dwellings within a continuously and built up frontage in a manner which

respects the development pattern along the road frontage and is considered acceptable in principle.

Integration, Design and Rural Character

- 8.16. 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.
- 8.17. 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.
- 8.18. Critical views of the site are limited to the Finvoy Road. The subject site is set considerably lower than the level of the public road with finished floor levels over 1m below road level. From south of the site, the existing development at No 243 combined with a mature tree provides significant screening of the site. From north of the subject site the existing buildings at No 241 and 243 form a “stepped” appearance with each building appearing further forward than the last. This has the benefit of screening the site and significantly limiting the critical views. Although the outbuildings at No 241 are lower in height, the proposed dwellings are restricted to a 7.5m ridge height (from FFL) and when considered in relation to the proposed finished floor levels, the proposed dwellings will not result in an unacceptable visual impact.
- 8.19. Although the site has limited natural boundaries with the western and part of the southern boundary undefined, the existing development provides significant screening and a degree of enclosure which will allow the proposal to satisfactorily integrate. Retaining structures are proposed to the rear (western) site boundary to facilitate a finished ground level of approximately 1.75m above existing ground level. The retaining structure is of a rendered finish to match the proposed dwellings and will remain

well screened from critical views positioned at a level considerably lower than the public road. Additional landscaping works are also proposed, however the proposal is not reliant on these for integration purposes. Each dwelling is served by individual accesses but due to the roadside nature of the sites ancillary works will integrate with surrounding development and comprise considerably less hardstanding than the existing yards serving Nos 241 and 243.

8.20. In terms of design, No 243 (indicated as being within the applicant's control) was the subject of permission for a replacement dwelling which remained extant on submission of the current application (LA01/2017/0856/F). This has subsequently been superseded by LA01/2021/0127/F. The current application proposes two dwellings of the same design as the original permission approved adjacent, with additional small detached garages. The dwellings are one and a half storey and fairly simple in character extending to approximately 12.8m x 8.5m with three dormers across the front and rear elevations. The dwellings incorporate vertically emphasised window details, a pitched roof design consisting of back concrete tiles or natural slate and are finished in either roughcast or smooth render. Overall the proposed design comprises a fairly simple, linear form reflective of rural design, is considered acceptable within this rural context in terms of scale, proportion, fenestration detail and is comparable to that previously approved adjacent under LA01/2017/0856/F.

8.21. 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. Due to existing and proposed levels the proposed dwellings will not appear unduly prominent in the landscape and as it is considered an exception to Policy CTY8 it does not result in ribbon or suburban style build-up when viewed with existing and approved buildings. The proposal and impact from ancillary works would not be detrimental to the character of the surrounding rural area.

Amenity

- 8.22. The proposed dwellings are sufficiently removed from surrounding neighbouring properties to prevent any significant impact in terms of either overlooking or overshadowing. The replacement of No 243 which remains extant incorporates re-positioning of the proposed dwelling further south from the subject site, re-orientated towards the public road with the proposed garage positioned adjacent the party boundary. The site is also indicated as being within the applicant's control. Proposed services are positioned on land within the applicant's control. NIE Infrastructure exists along the northern boundary (overhead lines). Any works within the vicinity of NIE infrastructure requires adherence to the relevant clearance and guidance. An existing telegraph pole is identified to be repositioned behind proposed visibility splays.

Non-mains Sewerage / Drainage

- 8.23. In relation to policy CTY16 the application proposes the use of a septic tank and soakaways located within the proposed site. The remainder of the field to the rear is also indicated as being within the applicant's ownership. Sewerage and drainage arrangements would appear to be achievable and DAERA Water Management Unit has referred to Standing Advice.

Access

- 8.24. Individual accesses serving each dwelling are proposed from Finvoy Road. DFI Roads has been consulted on the proposal including with those representations received regarding the proposal. DFI Roads raise no objections.

Biodiversity / Natural Heritage

- 8.25. The application site is on land presently used as agricultural land composed of improved grassland. There is a species poor hedgerow to the east of the site bordering the road. The surrounding area is comprised of improved grassland with associated hedgerows and mature trees. The Culmore River is located approx. 60m south of the site which contains riparian

woodland. A Preliminary Ecological Appraisal has been submitted and consultation carried out with DAERA - Natural Environment Division.

- 8.26. NED has been consulted and raise no objections although they do require that all hedgerow removal is undertaken outside the breeding bird season unless a final check for bird's nests has been undertaken by a suitably qualified ecologist. NED also advises that snowberry is present on site which is a non-native invasive species and proposes that the applicant ensures prevention of the spread of this species.

Habitat Regulations Assessment

- 8.27. 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.

Representations

- 8.28. 6 Objections have been received in relation to the proposal which raise a number of issues.
- Proposal is contrary to Policy CTY8, will result in ribbon development and impact rural character. As noted above the proposal is considered to represent an exception to Policy CTY8 in that it represents a small gap site within a substantially and continuously built up frontage as defined within policy. As it represents an exception to Policy CTY8 it is not considered to detrimentally impact on character.
 - Road Safety / Access. The application proposes individual accesses serving each dwelling. DFI Roads has been consulted on the proposal, including representations received and raise no objection to access or road safety.
 - Access to farmland. Policy CTY8 advises that ribbon development can make access to farmland difficult. The existing agricultural field is currently accessed via a single access gate on the subject site. Additional roadside boundary to the agricultural land is retained to the south of

No 243 and may facilitate a separate agricultural access although a crash barrier currently exists and agreement may be necessary with DFI Roads regarding any potential agricultural access.

- Relies on proposed Landscaping. While the proposal does lack mature site boundaries, integration and enclosure is achieved as a result of the existing development which book-ends the site and prevents retaining structures from appearing incongruous. Additionally the site levels prevent the proposal from appearing prominent, aiding integration from critical views. Additional landscaping is proposed which will further aid integration.
- Accuracy of maps. The submitted site plan indicates all existing buildings within the vicinity of the site with the exception of No 242 Finvoy Road which is opposite the subject site. This property has been neighbour notified and does not impact on the policy consideration. The site plan is not required to indicate the specific address of each property for the purposes of a site plan.
- Levels / Underbuild. The site slopes steeply away. Finished ground levels to the front of the site show a slight increase from existing ground levels (approx. 150mm). The objectors also reference an under-build to the rear of 1.42 m. Finished floor levels remain just over 1m below road level and the under-build to the rear is a reflection of the significant drop in site levels which falls over 4m from road level to rear boundary.
- Soakaway. A soakaway is proposed to serve the roadside gullies. The objector states that this may undermine the adjacent building. The installation is a matter for the applicant / agent and would be required to be installed in such a way as to not impact on any existing properties as this may result in civil action. The submitted site plan includes a note requiring all soakaways and drainage to be positioned away from No 241.
- Septic tank Discharge. The applicant has indicated the location of septic tanks serving the dwellings within each proposed site. Additional sloping land to the rear of the proposed sites is indicated as being within the applicant's ownership. This area is capable of facilitating soakaways serving the proposal and the natural slope would aid discharge. Discharge consent is required, NIEA Water Management Unit has been consulted and raise no

objections to the proposal. Any discharge to a watercourse would require Rivers Agency consent but has not been proposed.

- Existing underground electricity infrastructure. An objector has indicated that an existing electricity supply serving a third party dwelling traverses the site and may be affected by the proposed garage. Such an arrangement through third party lands would be the subject of an easement between parties and on completion of works the NIE infrastructure could not be altered without consent from NIE. Planning permission does not negate the need for other permissions / consents necessary to carry out the development and if no remedy could be found there would be no requirement to complete the garage as part of granted planning permission.
- Extant permission at No 243. See above. This site is indicated as being within the applicant's control. The extant permission referenced has been the subject of a recent subsequent planning permission.

9.0 CONCLUSION

9.1 The proposal is considered acceptable 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 been demonstrated that the proposal is acceptable infill development. The proposal complies with other policy requirements including integration, design, amenity and access. Approval is recommended.

10 Conditions.

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

- 2 No development shall commence until the vehicular accesses, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 02E date received 02-DEC-2021. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- 3 No removal of hedgerows shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

- 4 A legal agreement shall be obtained in relation to lands not in the ownership of the applicant or outside the site boundary marked in red which are to be used in connection with a septic tank and/or associated drainage. This agreement shall ensure that the lands in question remain available for the intended purpose and that any future

occupier/owner retains access to these lands for maintenance/improvement work as required.

Reason: To ensure a satisfactory form of development.

- 5 All planting comprised in the approved details of drawing No 02E date stamped 12-DEC-2021 shall be carried out during the first planting season following the commencement of the development and any shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. Informatives

- 1 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.
- 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 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.
- 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 The applicant is advised to take account of the position of any NIE equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE

equipment during the construction phase and also during future maintenance programmes in accordance with HSE Guidance Note GS6. Any infringement of the clearances to NIE equipment may require mitigation work. Any costs associated with this work may be charged to the customer.

- 6 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 Plan

