Title of Report:	**Planning Committee Report – LA0/2022/1188/O**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**28th June 2023**
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: LA01/2022/1188/O **Ward: Bann**

App Type: Outline

Address: Lands between No15 and No18 Shinny Road, Ringsend, Coleraine, BT51 4PS

Proposal: Proposed dwelling house and garage

Con Area: N/A **Valid Date: 7th November 2022**

Listed Building Grade: N/A

Agent: Gerard McPeake Architecture Ltd, 31a Main Street Limavady, BT 49 0EP

Applicant: Hugh Henry 111 Craigmore Road, Rinsend, BT51 4HS

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

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

Drawings and additional information are available to view on the Planning Portal -

https://planningregister.planningsystemni.gov.uk/simple-search

Executive Summary

- Outline planning permission is sought for a proposed dwelling house and detached garage.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located between No's 15 and 18 Shinny Road, Coleraine.
- The proposal fails to meet the criteria under Policies CTY2a in that it fails to meet with the provisions for a cluster does not lie outside of a farm, development around the site does not appear as a visual entity, the application site is not associated with a focal point the site does not provide a suitable degree of enclosure, the site cannot be absorbed into a cluster through rounding off and consolidation and the development would intrude into the open countryside.
- The proposal fails Policy CTY 8 of Planning Policy Statement 21 in that it fails to meet with the provisions for an infill dwelling as the application site is not a gap site located within an otherwise substantial and continuously built-up frontage.
- As the proposal fails CTY8, it therefore also fails Policy CTY14 in that if a dwelling were to be approved it would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings.
- The site does not respect the traditional pattern of settlement exhibited in the area and would therefore result in a detrimental change to the rural character of the countryside, the proposal is contrary to policy CTY14 of PPS21.
- DFI Roads, Environmental Health, NIEA's Water Management Uni, NI Water and DFI Rivers were consulted on the application and raised no objection.

- There have been no representations made on the file.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, and PPS 21.
- The application is recommended for refusal.
- Reasons for Referral by the elected member are attached as an annex to this report.

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 is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located between No's 15 and 18 Shinny Road, Coleraine.

2.2 The site comprises an agricultural field. The topography of the site and the surrounding area rises from the south east towards the north west.

2.3 The north eastern (roadside boundary) is defined by hedging and a post and wire fence. The south eastern (laneway boundary) and the north western boundary are also defined by a post and wire fence. The south western and western boundaries that bound No. 16 Shinny Road are defined by mature vegetation.

3 RELEVANT HISTORY

LA01/2022/0510/O - 28m NW of 18 Shinny Road, Macosquin- Proposed Two Storey Dwelling and Garage to supersede Planning Approval LA01/2021/1057/O (Extended Visibility Splays) - Under Consideration

LA01/2021/1057/O - 28m NW of 18 Shinny Road, Macosquin- Proposed Dwelling and Garage- Permission Granted

LA01/2021/0119/F - 56m SE of 16 Shinny Road, Coleraine - Proposed erection of new dwelling and garage on a farm - Permission Granted

C/2010/0059 - Rear of 16 Shinny Road, Coleraine - Proposed dwelling and garage to supersede C/2005/1126/O Permission Granted
C/2005/1126/O - Rear of 16 Shinny Road, Coleraine - Proposed dwelling and garage - Permission Granted

4 THE APPLICATION

4.1 Application for outline permission for an infill dwelling under Policy CTY8 (as indicated on Drawing 02). The proposal has also been assessed against CTY2a to ensure proper consideration of the application.

Habitat Regulations Assessment

4.2 The potential impact of 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

External

Neighbours: There are no representations on this application

Internal

DFI Roads: Has no objection to the proposal

Environmental Health: Has no objection to the proposal

NIEA (WMU): Has no objection to the proposal

DFI Rivers: Has no objection to the proposal

NI Water: Has no objection 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:

- 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

The application has been assessed against the following planning policy and guidance:

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015
Planning Policy Statement 3 (PPS 3) Access, Movement and Parking
Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition: A sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, visual integration and the character of the rural area, and access.

Planning Policy

8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.

8.3 Policy CTY1 of PPS21 sets out 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.

8.4 Policy CTY1 indicates that the development of a small gap site within an otherwise substantial and built up frontage is such a form of acceptable development in accordance with Policy CTY8.

Principle of Development

8.5 CTY 8 states that planning permission will be refused for a building which creates or adds to ribbon development. It does

however 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 in terms of size, scale, siting and plot size and meets other planning and environmental considerations. Policy CTY8 defines a substantial and continuously built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear.

8.6 The policy makes it clear that to allow a gap site to exist, there must be a continuous and built up frontage. To achieve this there must be at least 3 or more buildings along a road frontage.

8.7 The site is a roadside field which is defined by a post and wire fence. There are open views into the site when travelling along Shinny Road from No.11 Shinny Road towards no.18 Shinny Road and when travelling South past No.18.

8.8 To the south of the site, there is an access, which accesses two dwellings, amongst other buildings via a laneway. Neither of these dwellings or any building to the south have a frontage to Shinny Road given their location is down a laneway, set back some distance from the road frontage. An access does not constitute a frontage for the purposes of consideration of a substantial and continuously built-up frontage under this policy Therefore, there is no building to the south of the site with a frontage to enable a gap to exist between buildings.

8.9 Turning to the north of the site, there is a dwelling (No.18) that has a frontage to the Shinny Road. While there is outline approval for a dwelling to the north of No.18, there is no building on site and therefore there is no other building with a frontage along Shinny Road. This leaves No.18 as the sole building with

a road frontage. There is no continuous or built up frontage and there cannot be a gap site which to consider.

8.10 The agent (Document 01 date stamped 11th January 2023) has disputed the approval of LA01/2021/1057/O in that Nos. 20 & 22 Shinny Road only constitute one building, and that planning approval LA01/2021/1057/O was given planning permission with only one building to the North (Nos.20 & 22) and one building to the south (Dwelling at No.18). Clearly No.20 & 22 have individual curtilages, styles and it is most obvious these are 2 separate dwellings. As these are 2 separate dwellings, they are considered as two individual frontages for the purposes of assessing Policy CTY 8. The argument progresses that as LA01/2021/1057/O was approved with what the agent perceives and considers as one building, a similar approach should be taken with this application, and an approval forthcoming with only 2 buildings.

8.11 It is a matter of fact that LA01/2021/1057/O was assessed as an infill giving consideration to 3 frontages and therefore meeting the policy requirements of CTY 8 as this is set out in the planning case officer's report. This site is not comparable as No.18 is one dwelling, not two, and there is no building to the south to create a potential gap.

8.12 As there is no continuous and built up frontage, as this only consists of one dwelling, further consideration against Policy CTY 8 is not possible as there are no frontages or character to consider or compare.

8.13 The principle of development cannot be established as there is not a substantial and continuously built up frontage along the Shinny Road and no gap site exists to potentially infill and fails to meet the policy requirements of CTY 8 of PPS 21.

Visual Integration & Rural Character

8.14 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

8.15 A new building will be unacceptable where:
(a) it is a prominent feature in the landscape; or
(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
(c) it relies primarily on the use of new landscaping for integration; or
(d) ancillary works do not integrate with their surroundings; or
(e) the design of the building is inappropriate for the site and its locality; or
(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.16 The existing dwellings along the Shinny Road area contain a mix of single storey, one and a half storey and two storey dwellings. The topography of the site and surrounding area rises from the south east towards the north west. The north western and south western boundaries benefit from established vegetation which could act as a backdrop for a dwelling on approach from the south east. That said, the roadside vegetation is substantially lacking and there is little to screen or integrate any potential dwelling into this site.

8.17 When travelling north west along the Shinny Road views of the site would be very open given the lack of roadside vegetation or boundaries. From this view, a dwelling would fail to integrate

into the landscape and would rely on significant planting to aid screening and integration.

8.18 When travelling south, it is considered that views of the site will be more limited due to the changing topography, and existing development, which will help screen a dwelling from this direction.

8.19 As a dwelling would fail to integrate given how open this site is and the site lacks long established natural boundaries and will rely primarily on the use of new landscaping for integration, this is contrary to CTY 13.

Rural Character

8.20 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

8.21 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or

(c) it does not respect the traditional pattern of settlement exhibited in that area; or

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

8.22 It has already been considered that the proposed site fails to meet policy requirements of CTY 8 and would create a ribbon of development and fail to comply with criterion (d).

8.23 As a dwelling would also be a prominent feature in the landscape, it fails to meet criterion (a). The proposal will result in a detrimental change to the character of the rural area and does not comply with planning policy CTY 14.

Access

8.24 DFI Roads was consulted on the proposal and responded with no concerns subject to conditions.

9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS.

9.2 The proposal fails to meet the principle policy requirements under CTY1 for dwelling in the countryside as the proposal does not meet the criteria for a dwelling in an existing cluster, as outlined in Policy CTY2a and fails to meet with the provisions for an infill dwelling under CTY8.

9.3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if a dwelling were to be approved it would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings.

10 REFUSAL REASONS

1.The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 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 and Policy CTY 8 of Planning Policy Statement 21 in that it fails to meet with the provisions for an infill dwelling as the application site is not a gap site located within a substantial and continuously built-up frontage.

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 dwelling would be a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.

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 a proposed dwelling on this site would appear as a prominent feature in the landscape, would results in a suburban style build-up of development when viewed with existing buildings; create ribbon development and if approved would cause a detrimental change to the rural character of the area.

Site Location Map

Not to scale


KEY
Existing Hedges to be retained
Existing Mature
Proposed hedging
Proposed dwelling
Existing Built form sitting Mickley Wood
PPS 21 CTY8.
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. For the purpose of this policy 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.
In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.
Recent Planning approval for infill sites
LA01/2022/1142/O
LA01/2022/1238/O
LA01/2019/1398/O
LA01/2022/0198/O
Average plot width is 37.35m
Planning application LA01/2021/1057/O approved with revised planning application submitted LA01/2022/0510/O
Planning approval
New dwelling under construction
Transport NI
Proposed Access requirements
gates set back min 5m from road edge
above ground level
visibility splays 2.4m x60 m
gradient of accesses to be 1 in 12.5 for the first 5m from the edge of the public road
Job No: 22-042
Dwg No: SK02
Rev No: A
Drawn By: GMCF
Date: 28/10/22
Scale: 1:1000 on A3 Page
Client: Hugh Henry
Project: Infill site between 16 & 18 Orritor Road Ringsend Cookstown BT80 9PR
Drawing: Concept Statement
Revision:
GERARD McPEAKE

Not to Scale

Appendix 1

From: Caroline White < >
Sent: 24 February 2023 13:15
To: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: LA01/2022/1188/O
Importance: High

Good afternoon
Sean McGlinchey would ask that planning reference LA01/2022/1188/O be deferred to the planning committee in light of policies CTY8, CTY13 and CTY14 so that we can provide further information in relation to these policies.

Thank you in advance

Caroline

Caroline White
Caoimhe Archibald MLA
Office Manager
02877742488
email: