

Title of Report:	Planning Committee Report – LA01/2022/1196/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd August 2023
For Decision or For Information	For Decision – Referred Application by Alderman John Mc Auley

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	Development Management and Enforcement Manager

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: LA01/2022/1196/O **Ward:** Dundoonan

App Type: Outline

Address: Directly Adj to the South of 26 Atlantic Road Coleraine

Proposal: Site for new Dwelling and Garage infilling gap within built-up frontage to laneway

Con Area: N/A **Valid Date:** 10.11.2022

Listed Building Grade: N/A

Agent: J O Dallas, 31 Abbey Street, Coleraine, BT52 1DU

Applicant: Mr Alister McGarvey, 4 Millrush Drive, Portstewart

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

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

EXECUTIVE SUMMARY

- Outline planning permission is sought for a new dwelling and garage at lands directly adjacent and to the South of 26 Atlantic Road Coleraine.
- The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1 and CTY 8, in that the site is not considered a gap site as it is not located within a substantial and continuously built-up frontage and there are no overriding reasons why the development is essential and could not be located in a settlement.
- Refusal is recommended

Drawings and additional information are available to view on the Planning Portal-
<https://planningregister.planningssystemni.gov.uk/simple-search>

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 and guidance in sections 7 and 8 and resolves to **REFUSE** outline planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on lands directly adjacent and to the South of 26 Atlantic Road Coleraine.
- 2.2 The site comprises a cut from an agricultural field which accesses onto an existing laneway. The Laneway accesses onto the Atlantic Road, a protected route. The site is relatively flat. The northern boundary to no. 26 is defined by a mature hedgerow. The eastern boundary of the field is defined by hedgerow and an access gate. A private laneway runs to the eastern boundary which runs south-west to access no. 24 and other buildings and agricultural land. Mature trees are planted along this laneway. The southern boundary is defined by post and wire fencing and hedgerow. The rear/western boundary is undefined and open to the remainder of the agricultural field.
- 2.3 The site is located within the rural area outside any settlement development limit as defined in the Northern Area Plan 2016. There are a number of dwellings in the vicinity of the site to the south and north. The Portrush Road Roundabout is located further south of the site.

3 RELEVANT HISTORY

- 3.1 There is no planning history on the application site.

4 THE APPLICATION

- 4.1 This is an outline application for a new dwelling and garage at lands directly adjacent and to the South of 26 Atlantic Road Coleraine. The application has been submitted as an infill.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 14.11.2022.

Neighbours: Neighbours were notified on 16.11.2022.

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

5.2 Internal

NI Water: no objections.

Environmental Health: no objections.

DFI Roads: no objections.

HED: no objections.

NIEA: no objections.

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 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

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

Principle of development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes 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, one of which is the infilling of a gap site in accordance with Policy CTY 8.

- 8.4 Policy CTY 8 notes that 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.
- 8.5 Firstly CTY 8 requires a small gap site to be within an otherwise substantial and continuously built-up frontage, which is defined as a line of 3 or more buildings along a road frontage. There is one dwelling to the immediate north of the site (no. 26) which has a frontage to Atlantic Road. There are 2 buildings further south-west of the site (no. 24 and garage) but these buildings do not have a frontage to Atlantic Road and have a frontage to the private laneway only. The laneway is heavily vegetated with mature trees and no. 24 and garage does not read with a frontage to Atlantic Road. The site is therefore not located within a substantial and built-up frontage. There is no development to the immediate south of the site, and the development to the north and further south-west have frontages to separate roads/lanes.
- 8.6 PAC decision reference 2016/A0160 is relevant to the case. The decision notes, "The buildings at Nos 26, 28 & 30 Ballycreely Road are separated from the appeal site by the Ballybeen Road. This road has two lanes with road markings and it constitutes a break in the built development along the frontage of the Ballycreely Road. Consequently, there is no continuous (my emphasis) built up frontage along this part of the road. The proposal therefore relies on development along two frontages, albeit along the same road. The policy refers to frontage; not frontages. In this case, there is no small gap site within a line of three or more buildings along a singular frontage to meet the policy definition."

- 8.7 There is no line of 3 or more buildings along a road frontage as required by policy. The proposal fails to meet policy CTY 8.
- 8.8 There is no overriding reasons why the development is essential and could not be located within the development limit and fails CTY 1.

Visual integration/impact on rural character

- 8.9 Planning Policy Statement 21 – Sustainable development in the Countryside CTY 13 notes 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. 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.
- 8.10 Policy CTY 14 notes that 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.

- 8.11 The northern boundary to no. 26 is defined by mature hedgerow. The eastern boundary is defined by hedgerow. The southern boundary is defined by post and wire fencing and hedgerow. The western boundary is undefined and open to the remainder of the agricultural field. A private laneway runs to the eastern boundary which runs south-west. Mature trees are planted along this laneway. The existing mature boundaries on site as well as the mature planting to the adjacent laneway provides a degree of integration at this location. The existing development to the immediate north and further south-west will screen views on approach from the north and south along Atlantic Road. The site is relatively flat and a dwelling at this location will not be a prominent feature in the landscape. There will be no long ranging views of the site and a dwelling at this location will not damage rural character.
- 8.12 The application is not associated with a dwelling on the farm.
- 8.13 As this is an outline application detailed design drawings have not been submitted.
- 8.14 Overall, it is considered a dwelling on this site will visually integrate into the surrounding landscape and not damage rural character and meets CTY 13 and CTY 14.

Access

- 8.15 PPS 3, Policy AMP 2, Access to Public Roads notes planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.16 Annex 1 of PPS 21 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking - Policy AMP 3 - Access to Protected Routes (Consequential Revision) notes planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:
- (a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.

(b) A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

8.17 DFI Roads were consulted in relation to this application and in their consultation response dated 17.11.2022 recommended refusal on the basis that it was a new access onto a protected route.

8.18 Atlantic Road is a protected Route, however the proposal does not involve access directly onto a protected route but will access onto the existing laneway. Annex 1 of PPS 21 the consequential amendment to Policy AMP 3 is not enacted. Roads have not raised objection under AMP 2 of PPS 3.

Habitats Regulation Assessment

8.19 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.

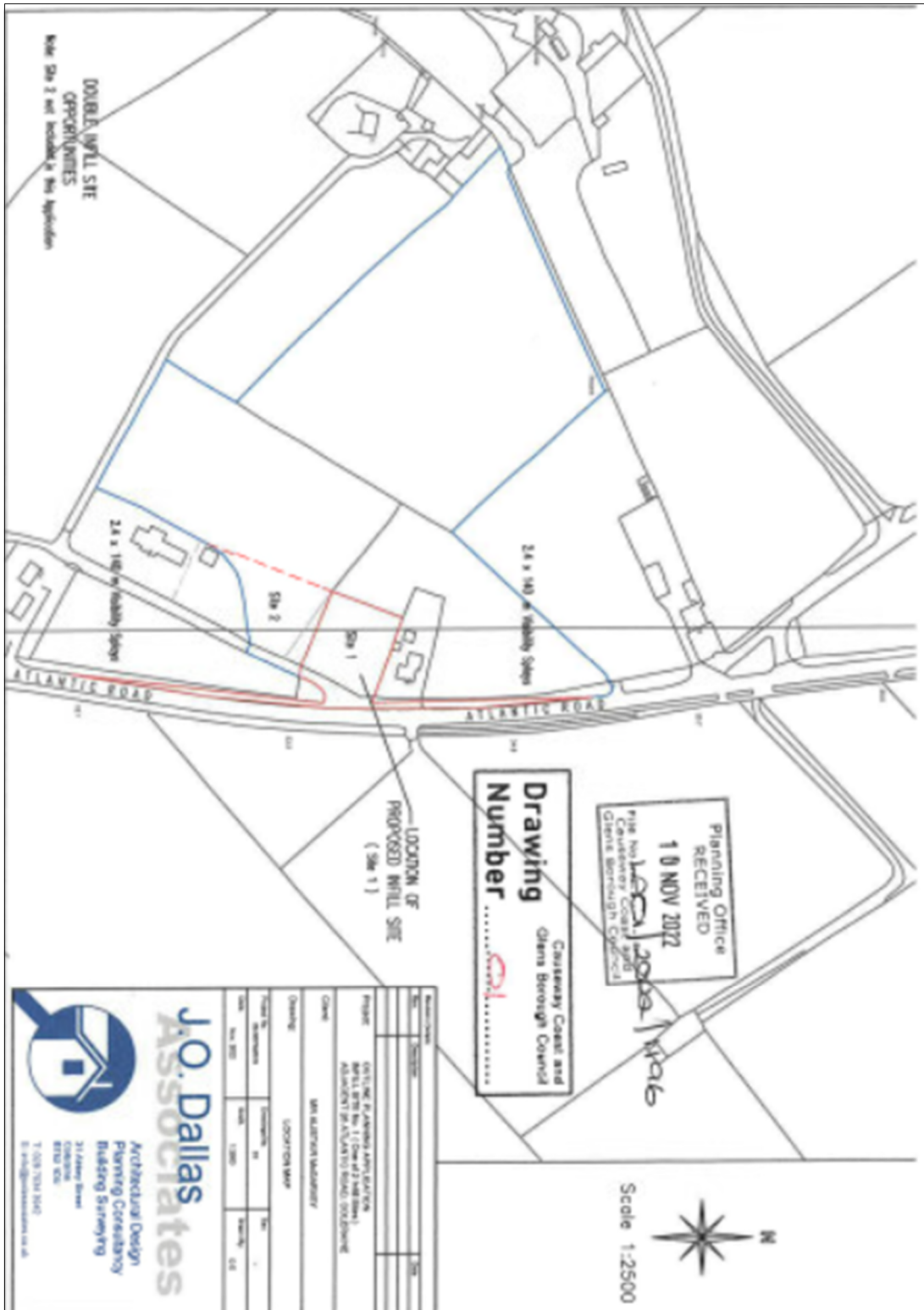
9 CONCLUSION

- 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, CTY 1 and CTY 8, in that the site is not considered a gap site as it is not located within a substantial and continuously built-up frontage and there are no overriding reasons why the development is essential and could not be located in a settlement.

10 Reasons for Refusal

1. The proposal is contrary to Planning Policy Statement 21, Sustainable development in the Countryside Policy CTY 1 and CTY 8, in that the site is not considered a gap site as it is not located within a substantial and continuously built-up frontage and there are no overriding reasons why the development is essential and could not be located in a settlement.

Site location Map





Referral Request

From: John McAuley <john.mcauley.dup@gmail.com>

Sent: Friday, June 16, 2023 10:34 AM

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: RE: LA01/2022/1196

Good Morning

I wish to call in the following planning application for decision by the planning committee -

In practical terms, a reasonable viewpoint would be to consider this to be linear infilling along the roadway especially considering the historical context and linear appearance when viewed when approaching from Portrush.

Regards

John McAuley

Annex 1 - PAC Decision 2016/A0160

Appeal Decision

Appeal Reference:	2016/A0160
Appeal by:	Mr John McIlveen
Appeal against:	The refusal of outline planning permission
Proposed Development:	Two dwellings
Location:	North of No 14 Ballycreely Road, Comber
Planning Authority:	North Down & Ards Borough Council
Application Reference:	LA06/2016/0158/O
Procedure:	Written Representations with Commissioners Site Visit on 29 March 2017
Decision by:	Commissioner Pamela O'Donnell, dated 10 April 2017

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in the appeal are whether the proposal is acceptable in principle in the countryside and whether it would adversely impact on rural character.
3. The Planning Act (NI) 2015 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The site lies in the countryside, outside any settlement identified in the plan. The plan contains no policies relevant to the site or the appeal proposal. The other material considerations are discussed below.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area and it retains certain existing planning policy statements. Amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). This provides the relevant policy context for the appeal proposal. Policy CTY1 thereof indicates that there are types of development acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if a proposal satisfies Policy CTY8, it would also satisfy Policy CTY1.
5. Policy CTY8 of PPS21 is entitled Ribbon Development and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 indicates that ribbon development is detrimental to

the character, appearance and amenity of the countryside. Though this type of development has been consistently opposed, policy goes on to say that an exception will be permitted. This exception relates to 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, 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. The policy defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.

6. The appeal site lies on the outside of a bend on the Ballycreely Road. No 14 Ballycreely Road, a detached dwelling with outbuildings is located to the south of the site. The junction with the Ballybeen Road lies immediately to the north of the site. Beyond this road junction, to the north east there are a further three dwellings comprising Nos 26, 28 and 30 Ballycreely Road. The aforementioned dwellings have frontage to the Ballycreely Road as the plots on which they stand abut the road. No 26 also has a detached garage. The appeal site has a frontage of around 55m to the Ballycreely Road. The Appellant argues that the appeal site is within a substantial and continuously built up frontage comprising the buildings at No 14, 26, 28 and 30 Ballycreely Road.
7. The buildings at Nos 26, 28 & 30 Ballycreely Road are separated from the appeal site by the Ballybeen Road. This road has two lanes with road markings and it constitutes a break in the built development along the frontage of the Ballycreely Road. Consequently, there is no continuous (my emphasis) built up frontage along this part of the road. The proposal therefore relies on development along two frontages, albeit along the same road. The policy refers to frontage; not frontages. In this case, there is no small gap site within a line of three or more buildings along a singular frontage to meet the policy definition. Appeal decisions 2013/A0037 and 2015/A0091 both relate to development along one frontage so they are distinguishable to this case. There was no argument made by the Council that the proposal would fail to respect the development pattern in the area.
8. Appeal decision 2014/A0241 was relied on by the Council to support their position. However, the Appellant sought to distinguish it from the circumstances of this appeal. In that case, No 84 Battlefield Road was separated from the appeal site and the other dwellings at Nos 52 and 54 Battlefield Road by a road, similar to the circumstances of this case. It was found that the dwelling at No 84 had a frontage to the main Battleford Road, like Nos 52 and 54 irrespective of its access orientation. I concur with that position. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road and in establishing if a building has a frontage, it does not matter whether or not it takes access from the road. In that appeal, like this, it was also found that the proposal relied on development along two frontages. The Councils' reliance on that appeal was therefore justified.
9. Paragraph 5.33 of PPS21 gives examples of instances that can represent ribbon development. It states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. Paragraph 5.33 relates to circumstances that can constitute ribbon development;

not those that can make up a substantial and continuously built up frontage. A ribbon of development can comprise buildings that do not share a frontage provided they are visually linked. However, in order that buildings constitute a substantial and continuously built up frontage, they must be along a frontage and there is no requirement for visual linkage or sequential awareness. Appeal decision 2013/A0248 reaffirms this.

10. Policy CTY14 of PPS21 states that 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 the area. It then specifies five situations where a new building will be unacceptable. One of these is where it would create or add to a ribbon of development. This criterion is cross-referenced with Policy CTY8.
11. The proposal would visually link with the buildings at Nos 26, 28 and 30 on approach to the site from the east irrespective of the road alignment. It would also visually link with the buildings at Nos 14 and 26 on approach to the site from the south. Accordingly, the proposal would form a ribbon of buildings to the detriment of rural character. For these reasons and those outlined above, the proposal does not comply with Policy CTY8 or Policy CTY14. The first and second reasons for refusal are therefore sustained. In appeal 2014/A0241 the dual frontage nature of that site meant that ribbon development would have been created along the minor road. In this case, ribbon development would only be along the Ballycreely Road. Other issues that were raised in the appeal are considered below.
12. The proposal would involve removing two small agricultural sheds. These sheds are on a small portion of the overall site and their presence does not mean that the site cannot be considered for infill development given the policy wording. The two infill dwellings approved between Nos 12 and 14 Ballycreely Road (X/2014/0276) are not germane to my consideration as (i) they have not been built and (ii) they are not relied upon by the Appellant. I concur that that approval does not assist as the wording of Policy CTY8 does not allow for 'potential' development to be considered. Furthermore, I see nothing wrong with that decision so it does not demonstrate any inconsistency in the decision making of the Council. The small amount of additional traffic that would be generated by the proposal would not compromise road safety. Given its size and characteristics, I do not consider the Ballybeen Road to be a little wider than a typical access road or farm lane and as stated, I find that it constitutes a break in development. Compliance with planning policy is a matter of acknowledged importance and in not complying with policy, this particular proposal would result in demonstrable harm for the reasons stated.
13. Policy CTY1 goes on to say that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No evidence was presented to demonstrate that the proposal is essential. As such, it is also contrary to Policy CTY1 of PPS 21. The third reason for refusal is sustained. The appeal must therefore fail.

This decision is based on the Site Location Map (Drawing No LM-01) @ 1:1250, Site Concept Plan (Drawing No LM-01) @ 1:2000 and the illustrative Site Layout Map (Drawing No 1:500) @ 1:500 stamped refused by the Council on 15 September 2016.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:- Mr K McDowell (Ards & Down Borough Council)

Appellant(s):- Mr D Donaldson (Agent)

List of Documents

Planning Authority:- "A" Statement of Case
"C" Rebuttal

Appellant(s):- "B" Statement of Case
"D" Rebuttal