



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0339/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23.10.2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Application by Alderman John Mc Auley</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

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

<b>Estimated Timescale for Completion</b>	
Date to be Completed	

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

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

<b><u>No:</u></b>	LA01/2023/0339/O	<b><u>Ward:</u></b>	Macosquin
<b><u>App Type:</u></b>	Outline		
<b><u>Address:</u></b>	Approximately 50m NE of 92 Moneybrannon Road Coleraine BT51 3SL		
<b><u>Proposal:</u></b>	PROPOSED CLUSTER DWELLING & GARAGE		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	31.03.2023
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	2020 Architects, 49 Main Street, Ballymoney, BT53 6AN		
<b><u>Applicant:</u></b>	Peter Scott, 96 Moneybrannon Road, Coleraine, BT51 3SL		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for a new dwelling and garage at lands approximately 50m NE of 92 Moneybrannon Road, Coleraine, BT51 3SL.
- The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1, CTY 2a and CTY 14 criteria (b) in that the site is not bound by development on at least two sides, is not absorbed into the cluster, will result in suburban style build up which will erode rural character 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 approximately 50m North East of 92 Moneybrannon Road, Coleraine, BT51 3SL.
- 2.2 The site comprises a corner plot of an agricultural field. The site is located at the junction of the Moneybrannon Road and the Ballylintagh Road. The northern boundary to the Ballylintagh Road is defined by mature hedgerow. The eastern and south-eastern boundaries are undefined and open to the remainder of the agricultural field. The western boundary to the Moneybrannon Road is defined by mature hedgerow and trees. The site is set down in level from the Moneybrannon Road. The land rises beyond the eastern boundary of the site.
- 2.3 The site is located within the rural area outside any settlement development limit as defined in the Northern Area Plan 2016. To the north, north-west and west of the site there is development which includes residential dwellings, farm buildings/sheds and commercial buildings (Scotts).

## **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 approximately 50m North-east of 92 Moneybrannon Road, Coleraine,

BT51 3SL. The application has been submitted as a new dwelling in a cluster.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

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

### **5.2 Internal**

NI Water: No objections.

NIEA WMU: No objections.

HED: No objections.

DFI Roads: No objections.

Environmental Health: No objections.

Rivers Agency: 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 15 – Planning and Flood Risk

Planning Policy Statement 21 – Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland 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, access, flooding, proximity to waste management facilities and Archaeology.

### **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, this includes new dwellings in existing Clusters in accordance with CTY 2a.

8.4 Policy CTY 2a notes that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site 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; and
- development would not adversely impact on residential amenity.

8.5 The proposed site lies outside of a farm and consists of four or more buildings of which at least three are dwellings. This includes dwellings at no. 92, 94, 93, and approx. 16 terraced dwellings at Ballylintagh Crescent. As well as buildings at (no.96) and sheds to the north (no.20). The proposal is considered to comply with the first criteria.

8.6 Given the amount of buildings in the area and their close proximity to each other, the cluster is considered to appear as a visual entity in the local landscape and meets the second criteria.

8.7 The cluster is located at the crossroads of Moneybrannon and Ballylintagh Road and meets the third criteria.

8.8 The site is not bound by development on at least two sides. There is no development bounding the site to any boundaries. There is a roadside to the north and a roadside to the west. To the east and south there is the remainder of the field. The application fails to meet the fourth criteria. The agent in an email dated 23.05.23 highlighted appeal reference 2016/A0209 noting, "I would like to highlight appeal 2016/A0209 where there was a road between the proposal and other development within the cluster, yet the PAC decided that the road did not mean that the proposal is not bound, and was approved." In

response to this we would note that we have considered this appeal decision but would highlight more recent appeal decision 2019/A0214 (See Appendix 1) which highlights the Commissions more recent view on such proposals. Appeal 2019/A0214 had a road bounding it to the northern and southern boundaries and was only bound by development to the west. This appeal was dismissed and the Commissioner noted, “Irrespective of the appellant’s arguments in relation to the Brisland Road itself meeting the definition of development and that the dwellings opposite the appeal site (Nos.35 and 37) are closer to it than the dwelling to the west, the presence of the approximately 8m wide road separating the appeal site from the dwellings on the opposite side of the road results in them not providing a degree of enclosure. Although there would be vegetation located along the northern and eastern boundaries, being located between the adjoining Clooney and Brisland Roads, with no building to the east of the proposal, the identified site would only be bound on the western side with other development in the cluster (No.26).”

- 8.9 In this case the northern and western boundaries of the site are defined by a hedgerow. However, as the site is not bound by development along any boundary as required by policy and instead is cut from the corner of a larger roadside field, the development is not absorbed into the cluster and does not round off. The site intrudes into an open field and will erode rural character. The fifth criteria is not met.
- 8.10 A proposed dwelling at this location would have no detrimental impact on residential amenity. Any potential overlooking concerns etc. could be mitigated through good design, which will be subject to review at reserved matters stage. The application meets the sixth criteria.
- 8.11 The application fails CTY 2a in that the site is not bounded on at least 2 sides by existing development and is not therefore absorbed into the cluster. No overriding reasons have been forthcoming to demonstrate that the site is essential and could not be located within the development limit. The principle of development does not comply with policy CTY1 or CTY2a of PPS 21.

### **Visual integration/impact on rural character**

- 8.12 Planning Policy Statement 21 – Sustainable development in the Countryside, 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.

- 8.13 The site comprises a corner plot of an agricultural field. The site is located at the junction of Moneybrannon Road and Ballylintagh Road. The northern boundary to the Ballylintagh Road is defined by mature hedgerow. The western boundary to the Moneybrannon Road is defined by mature hedgerow and trees. The site is set down in level from the Moneybrannon Road. The existing mature trees/hedgerow to the northern and western boundaries will assist in the integration of a new dwelling at this location. The eastern and south-eastern boundaries are undefined and will require planting/new boundary treatment. To the north, north-west and west of the site there is a grouping of development to include residential dwellings and farm buildings/sheds. The development of this site will result in suburban style build up which will erode rural character and fails CTY 14 criteria (b).
- 8.14 As this is an outline application the design of the dwelling has not been submitted. The dwelling should be appropriate to the character of the area, in terms of scale, massing and design. The immediate surrounding area is made up of a mix of two storey detached dwellings and two storey terraced dwellings. Notwithstanding, the fact that the principle of development is not established, it is considered in integration terms, a modest dwelling could be accommodated on this site considering the levels of the site being set down from the road.
- 8.15 Considering the existing pattern of development it is considered that a dwelling at this location will not add to ribbon development.
- 8.16 The application does not relate to a dwelling on a farm.
- 8.17 It is considered the application fails CTY 14 criteria (b).

## **Access**

- 8.18 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.
- 8.19 The application proposes access via the Ballylintagh Road. DFI Roads were consulted and raised no objections. The proposal is considered to comply with Policy AMP 2 of PPS 3.

## **Flooding**

- 8.20 PPS 15 Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains notes Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', the applicant is required to submit a Flood Risk Assessment for all proposals.
- 8.21 The red line has been amended and the site is no longer in the flood plain. Rivers have been consulted and raised no objections. FLD 1 does not apply. The application complies with PPS 15.

## **Proximity to waste management facilities**

- 8.22 PPS 11 – Planning and Waste Management, Policy WM 5 Development in the vicinity of Waste Management Facilities notes proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:
- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
  - it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

8.23 NI Waters initial consultation response noted that, “The proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works...As the site is located wholly or partially within the Wastewater Treatment Work’s 400m odour consultation zone boundary an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works.”

8.24 The agent submitted the assessment directly to NI Water. The agent then submitted Doc 01 to the Council on the 13.06.23 which was a letter from NI Water advising of no objections. NI Water were formally reconsulted again on this information and in their most recent response raised no objections to the development. The application meets WM 5.

### **Archaeology.**

8.25 The application site contains the site of a Flax Mill (IHR 01505:000:00) which is recorded on the historic 6” map series. While there are now no upstanding remains of this site there is an increased potential that below ground remains will be uncovered during site works.

8.26 HED were consulted and noted, “Historic Monuments has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6”. The application meets PPS 6.

### **Habitats Regulation 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.

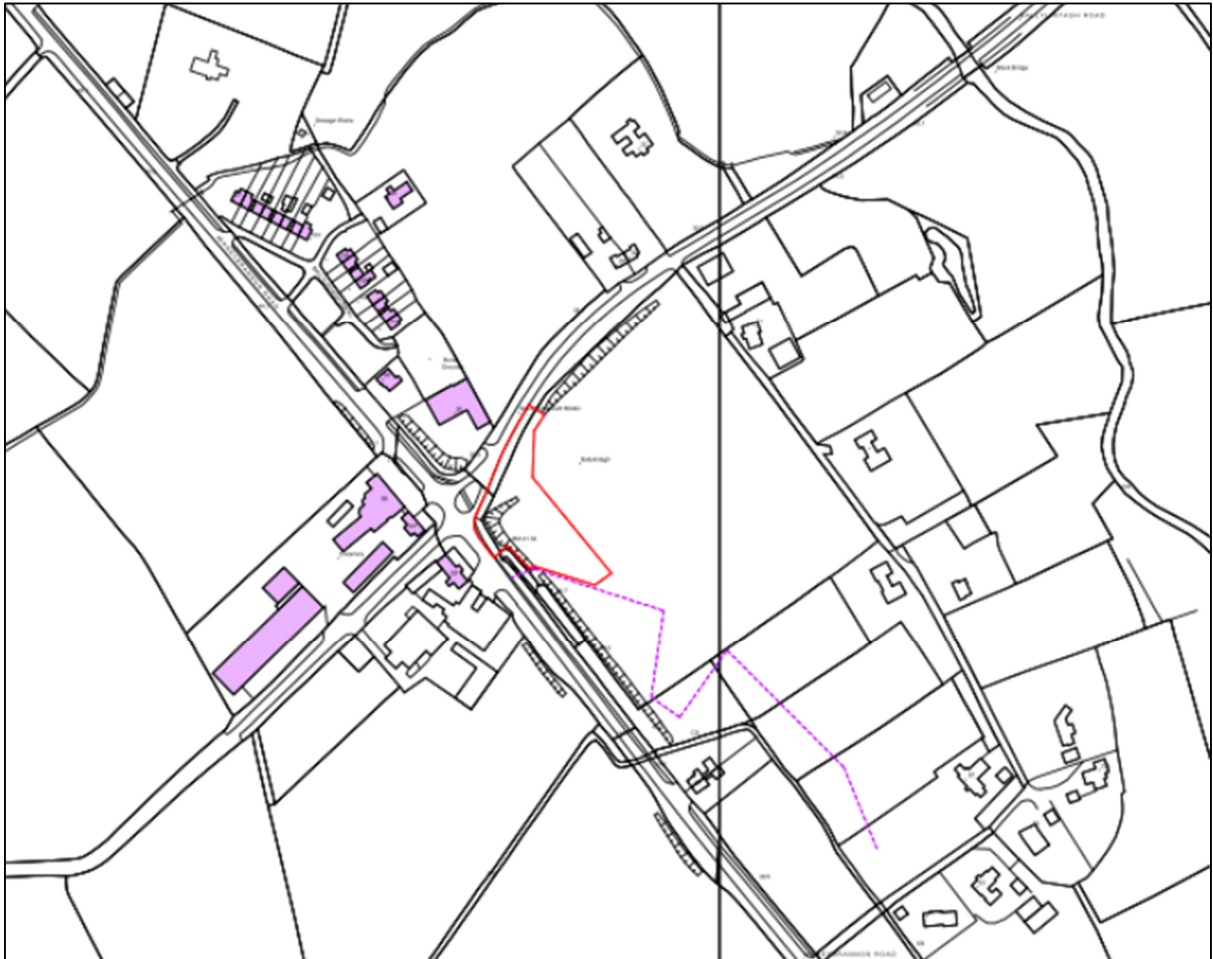
## **9 CONCLUSION**

- 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, CTY 2a and CTY 14 criteria (b) in that the site is not bound by development on at least two sides, is not absorbed into the cluster, will result in suburban style build up which will erode rural character 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 application is contrary to Planning Policy Statement 21, Sustainable development in the Countryside, Policy CTY 2a in that the site is not bound by development on at least two sides and is not absorbed into the cluster.
2. The application is contrary to PPS 21, Policy CTY 1 in that there are overriding reasons why this development is essential and could not be located in a settlement.
3. The application is contrary to Planning Policy Statement 21, Sustainable development in the Countryside, Policy CTY 14 criteria (b) in that the development of this site will result in suburban style build up which will erode rural character.

## Site location Map



## Referral Request

**From:**

**Sent:** Thursday, February 8, 2024 2:10 PM

**To:** Planning <[Planning@causewaycoastandglens.gov.uk](mailto:Planning@causewaycoastandglens.gov.uk)>

**Subject:** RE: LA01/2023/0339/O - Approximately 50m NE of 92 Moneybrannon Road, Coleraine

I would request that the above-mentioned application (LA01/2023/0339/O) is referred to the planning committee for the following reasons.

- The predominant reason for refusal relates to whether the site is bound by development on two sides within the cluster. The planning department agree that the proposal is situated within an existing cluster and that the site could accommodate a dwelling without detrimental impact on the rural character. The planning department have cited appeal 2019/A0214 as the rationale behind their refusal as it mentions in the appeal that the site does not provide a suitable degree of enclosure. We would be of the opinion that the appeal decision is not similar to the proposed site as the main issue seems to be that the site does not provide a suitable degree of enclosure, due to the lack of roadside vegetation, and not due to the road itself. This appeals site also extends a ribbon of development and does not round off the cluster, whereas the case officer has stated in their report that the proposal would not extend a ribbon of development, therefore it surely rounds off the cluster. The planning department have approved a similar application (LA01/2021/1215/F) where there is a wide laneway separating the site from the cluster, yet this was deemed acceptable after the appeal decision cited in the case officers report on this proposal.
- In our opinion the appeal site rounds off the cluster, is bound by development on two sides and most importantly provides a suitable degree of enclosure due to the mature vegetation and topography of the site.
- We strongly believe that the proposal is within the provisions of policy and would request that the application is determined by the planning committee due to the irreconcilable differences in policy interpretation between ourselves and the planning department.

Regards

**John McAuley**

Causeway Coast & Glens Borough Council

Mob.

Email:

