

<b>Planning Committee Report LA01/2019/1300/O</b>	<b>27 January 2021</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b> LA01/2019/1300/O	<b><u>Ward:</u></b> Dunloy
<b><u>App Type:</u></b> Outline Planning	
<b><u>Address:</u></b> Lands 30m West of 5 Presbytery Lane Dunloy	
<b><u>Proposal:</u></b> Infill sites for two dwellings and detached garages at Presbytery Lane, Dunloy, Co. Antrim	
<b><u>Con Area:</u></b> n/a	<b><u>Valid Date:</u></b> 27.11.2019
<b><u>Listed Building Grade:</u></b> n/a	
<b>Agent:</b> Gerard McPeake Architectural Ltd, 31a Main Street, Limavady. <b>Applicant:</b> Mr. Vincent Boyle. 100 Bridge Street, Dunloy.	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **EXECUTIVE SUMMARY**

- Outline planning permission is sought for an infill site for two dwellings and detached 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. Although it is within the consultation zone of an archaeological site.
- The principle of development is considered unacceptable having regard to Policy CTY 8 as the gap site can accommodate more than 2 dwellings and is therefore not an exception under policy.
- The proposal is cut from a roadside field and requires removal of a significant portion of roadside vegetation to facilitate paired access. The proposal relies on new boundaries and landscaping for integration and is therefore contrary to Policy CTY 13.
- As the proposal fails to comply with Policy CTY 8, it is also unacceptable under Policy CTY 14 as it will create a ribbon of development along Presbytery Lane.
- DFI Roads, Historic Environment Division (Historic Monuments unit) Environmental Health, NI Water and DAERA (Water Management Unit) were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

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

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a roadside parcel of land cut out of the northern extent of a large existing agricultural field. A narrow strip is retained outside the proposed site to the eastern extent to provide access to the remaining agricultural lands. The site extends to approximately 40m x 86m and is located 12m north-east of No 1 Presbytery Lane.
- 2.2 Both the south-western and southern boundaries are undefined while the north-eastern boundary is defined by a mix of mature trees and abuts the boundary to No 5. At the south-western extent the subject site is comparable with the existing road level, and although the site also falls in the same direction it is to a lesser degree resulting in the site becoming increasingly elevated above the level of the public road extending to approximately 1m towards the north-eastern corner the site.
- 2.3 The site frontage is defined by a narrow 1m ditch / verge with post and wire fence. A central portion of the site frontage is additionally defined by a mix of semi mature trees/ hedgerow extending to approximately 34m. The north eastern corner of the site frontage is partially defined by a low stone wall topped with a 1m formal laurel hedge extending over a short distance from the access at no 5. The topography of the site slopes from north-east to south-west and falls slightly to the rear of the site in a south-easterly direction.
- 2.4 The character of the area is defined by a mix of detached dwellings positioned on medium sized, roadside plots with a

small grouping of large commercial buildings to the north-east relating to two separate joinery / contracting businesses.

- 2.5 The site is located within the rural remainder as defined by the Northern Area Plan 2016 and also falls within the consultation zone of an archaeological monument.

### **3 RELEVANT HISTORY**

D/2007/0062/RM– Permission Granted for erection of dwelling and garage.

LA01/2018/0752/RM – Permission Granted for off site replacement of existing dwelling and associated garage.

LA01/2019/0349/O – Outline Permission Granted for infill dwelling.

### **4 THE APPLICATION**

- 4.1 The application proposes outline planning permission for two dwellings and detached garages.
- 4.2 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.

### **5 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

Advertising: Coleraine Chronicle 11.12.2019. Re-advertised 30.11.20.

Neighbours: There are no objections to the proposal

#### **5.2 Internal**

DfI Roads has been consulted and it raises no objections.

Northern Ireland Water has been consulted and raise no objections.

Environmental Health has been consulted and it raises no objections.

Historic Environment Division (Historic Monuments Unit) has been consulted and raise no objections.

DAERA (Water Management Unit) has been consulted and raise no objection subject to standing advice.

## **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**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3: Access, Movement and Parking - Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 21 – Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

DCAN 15: Vehicular Access Standards

## **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 traffic matters

### **Planning Policy**

- 8.2. The site is located outside any settlement development limit and is within the rural area. The site is part of a roadside field, and is situated between Nos 3 & 5 Presbytery Lane, Dunloy.
- 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 rural remainder as defined by the Northern Area Plan 2016 and falls within the consultation zone of an archaeological monument.
- 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 acceptable type of development is the infilling of a gap site, provided this represents an exception to Policy CTY 8.
- 8.6. Policy CTY 8 states that planning permission will be refused for a building which 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.
- 8.7. 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. 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.
- 8.8. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception to CTY8 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.

- 8.9. The site fronts onto the southern side of Presbytery Lane which is a publicly adopted road and is set between two existing dwellings, namely Nos 1 and 5. To the immediate north east of No 5 is an existing commercial outbuilding with separate access which is adjacent the main commercial building comprising a joinery manufacturing business and showroom. An additional dwelling exists to the front of the outbuilding which has been the subject of a previous planning permission relating to replacement of the dwelling to the opposite side of the road and extension of the existing car parking serving the business. This dwelling is subject to a condition requiring its removal.
- 8.10. An additional and separate commercial business exists adjacent that referred to above with a further separate dwelling and garage sited on an individual plot to the immediate north. The extent of development and number of buildings comprises a continuously built up frontage as defined within policy CTY8.
- 8.11. The subject site comprises a fairly rectangular plot with a frontage onto Presbytery Lane of approximately 82m. The identified site does not include an additional 6m wide access which forms part of the road frontage and is to be retained as an agricultural access. No 1 Presbytery Lane (to the south-west of the site) comprises a two storey detached dwelling set on a fairly modest plot comprising a 28m frontage. No 94 Bridge Road forms a corner site at the junction of Bridge Road and Presbytery Lane and incorporates a side garden which comprises a frontage on to Presbytery Lane extending to approximately 26m. No 5 Presbytery Lane comprises a detached bungalow on a much larger plot incorporating a frontage of approximately 55m.
- 8.12. No 5 originally comprised a much smaller residential plot and frontage but has since been extended to include additional lands to the south-west which incorporated the access arrangements serving application D/2007/0062/RM, granted for a detached dwelling and garage to the rear of No 5. The south-western portion of the plot at No 5 now incorporates a shared access which appears to serve the existing dwelling and retain an access to the land to the rear.



- 8.13. On the opposite side of the road Nos 4 and 6 are set on similar plot sizes both of which incorporate site frontages of approximately 35m while a much larger dwelling (No 8) is currently under construction (LA01/2018/0752/RM).
- 8.14. A gap of approximately 124m exists between buildings within the adjacent curtilages of the subject site. Notwithstanding the size, scale, siting and plot size within the relevant frontage, the area that the relevant gap comprises, (of which the subject site forms part), could accommodate more than two dwellings in a manner that would respect the existing development pattern along the frontage. Consequently the site does not constitute a small gap site as defined within Policy CTY 8.
- 8.15. 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.
- 8.16. As noted above the proposed subject site shares a road frontage with adjacent dwellings. The immediate locality is under pressure from development extending along Presbytery Lane and the current proposal will create an extensive ribbon of development extending from No 1 to no 11, As the proposal does not represent a small gap site and will create / add to a ribbon of development it is unacceptable in terms of Policy CTY8.

### **Additional Information**

- 8.17. The agent has submitted additional information in support of the application referencing existing plot sizes on both sides of Presbytery Lane as well as a number of other applications within the vicinity of the site and the further Council district:
- 8.18. LA01/2017/1545/RM – Between 17-21 Windyhill Road, Limavady. The principle of development was established under outline permission B/2014/0046/O which was granted by the DOE on this site for two dwellings on the basis that it was considered an exception to Policy CTY8. The gap was determined to be sufficient only to accommodate up to a maximum of two dwellings on sites broadly similar in size, scale, siting and plot size of the existing development pattern.

- 8.19. LA01/2018/752/RM - This application relates to the Reserved matters of application LA01/2017/0109/O granted for a Proposed off -site replacement of the existing dwelling at No 7.
- 8.20. LA01/2019/0349/O - Proposed outline application for infill dwelling. As a result of the off-site replacement approved above the remaining gap as proposed was considered an exception to policy CTY8.
- 8.21. The agent also references proposed planting to address issues of integration.

### **Integration and Rural Character**

- 8.22. Policy CTY 13 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.
- 8.23. Critical views of the site are limited to Presbytery Lane. Travelling in a north-easterly direction from the junction with Bridge Road views into and across the site are almost immediately apparent due to the low boundary wall and lack of vegetation around No 1 as well as the limited roadside vegetation to the south-western extent of the site itself. Views are unrestricted until opposite the access at No 4 from where the existing site boundary vegetation provides a degree of screening for approximately 34m before opening up again.
- 8.24. Travelling in the opposite direction the site is fairly well screened until in front of No 5 from where the site appears elevated with views across the site as far as the boundary to No 1 which provide a degree of backdrop.

- 8.25. The subject site is road frontage sloping from the south-west to north-east and rising slightly above the level of the public road. The roadside boundary mainly comprises a narrow high ditch with post and wire fence set to the back. The boundary includes a belt of semi-mature trees extending approximately 34m, positioned fairly centrally relative to the overall site frontage. An additional single mature tree exists approximately 16m from the north-eastern boundary with approximately 15m of the remainder of the north eastern site frontage defined by a low stone wall topped with a 1m formal laurel hedge.
- 8.26. The application proposes a paired access which will require removal of a number of trees extending to at least 12m which currently form part of the existing roadside boundary. Additional re-grading of the existing ditch and relocation of a telegraph pole is also required. The re-grading of the ditch to below 250mm within the required visibility splays will potentially require removal of additional vegetation as well as undermine existing vegetation over a greater distance.
- 8.27. As a result a significant portion of the existing roadside boundary vegetation will be lost which in combination with the lack of vegetation over much of the site frontage will further open up views into and across the site. The lack of existing vegetation on the rear site boundaries means that the sites lacks long established natural boundaries and will not provide a suitable degree of enclosure for the proposal to satisfactorily integrate. The proposal therefore fails Policy CTY 13.
- 8.28. The applicant proposes planting to address issues of integration, However Paragraph 5.64 of CTY13 is clear that a building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. Paragraph 5.64 also states that new planting will inevitable take a considerable length of time to mature and in the interim will not mitigate the impact of the new development.
- 8.29. Policy CTY 14 relates to rural character and states that a building will be unacceptable where any of a number of stated criteria are engaged. As the proposal is not considered an exception to Policy CTY8 it would result in a ribbon of development extending almost 300m, visually linking No 1 Presbytery lane with the remaining development extending

north-easterly from No 5. The proposal would also result in a suburban style build-up when viewed with existing and approved buildings on both sides of the public road and would be detrimental to the character of the surrounding rural area. The proposal therefore fails Policy CTY14.

- 8.30. Having considered the assessments set out under Policies CTY 13 and CTY 14 of PPS 21, the proposal fails to satisfactorily integrate into the countryside and will have an unacceptable impact on rural character.

### **Archaeology**

- 8.31. HED (Historic Monuments) has been consulted in relation to proximity to an archaeological site. The proposal is considered acceptable and satisfactory to the SPPS and PPS6.

### **Access**

- 8.32. DFI Roads has been consulted on this application and raise no objections to the proposed access arrangements subject to the implementation of conditions.

### **Non-mains Sewerage**

- 8.33. The application proposes the use of septic tanks and soakaways within the sites. The applicant owns a large area of additional land to facilitate.

## **CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside. It has not been demonstrated that the proposal is one of the acceptable types of development permitted under policy CTY 1.

- 9.2 Having considered Policy CTY 8 this proposal fails to meet the policy requirements for an infill dwelling.

9.3 The identified site can accommodate more than 2 houses having regard to the development pattern along the frontage in terms of size, scale, siting and plot sizes, and would result in the creation of a ribbon of development along Presbytery Lane. The site also fails to satisfactorily integrate into the surrounding landscape as the site lacks long established natural boundaries and would rely on new planting.

## **10 Refusal Reasons**

1. The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Presbytery Lane.
3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/ is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings, would create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

