Planning Committee Report **LA01/2017/1580/O**	**24th October 2018**
PLANNING COMMITTEE	

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

App No: **LA01/2017/1580/O** **Ward:** **GARVAGH**

App Type: **Outline Planning**

Address: **Lands adjacent to 64 Coleraine Road, Garvagh.**

Proposal: **Proposed infill site for 2 no. detached two storey dwellings and detached garages.**

Con Area: N/A **Valid Date: 07.12.2017**

Listed Building Grade: N/A **Target Date:**

Applicant: **Mr Eugene Mullan, 3 Magheramore Road, Garvagh.**

Agent: **Healy McKeown Architects. The Studio, 6 Gortnamoyagh Road. Garvagh.**

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

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

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

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

2 SITE LOCATION & DESCRIPTION

2.1 The application site is positioned on the north western side of the Coleraine Road and is currently used as an agricultural field with an agricultural gate access point positioned on the south corner. The field is defined by a post and wire fence on all four boundaries and mature hedging and trees positioned throughout. There is a particular strong line of mature trees set along the northern boundary. The roadside boundary is defined by a post and wire fence with a hawthorn hedge.

2.2 The site is neighboured by No. 56 and No. 64 Coleraine Road on either side boundary and bounded by the Coleraine Road to the north east. The site is positioned immediately outside the Garvagh Settlement Limit, whereby No. 56 Coleraine Road is the last dwelling bounded within the Settlement Development Limit. The Coleraine Road is defined as a Protected Route and the site also falls within a Local Landscape Policy Area as defined within the Northern Area Plan 2016.

2.3 The surrounding area is characterised by a mix of residential dwelling on the edge of Garvagh Town and rural fields and dwellings located on the outskirts of the Settlement Development Limit.

3 RELEVANT HISTORY

3.1 There is no relevant planning history.

4 THE APPLICATION

4.1 Proposed infill site for 2 no. detached two storey dwellings and detached garages.

5.0 PUBLICITY & CONSULTATIONS

5.1 No representations received.

5.2 **Internal**

Transport NI: Has no objection.

Environmental Health Department: Has no objection.

Historic Environment Division (Historic Monuments): Require further information.

6.0 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.

7.0 RELEVANT POLICIES & GUIDANCE

<u>The Northern Area Plan 2016</u>

Strategic Planning Policy Statement (SPPS)

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

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

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of development; integration and impact on rural character.

Planning Policy

8.2 In the Northern Area Plan the site lies outside any settlement development limit and is within the countryside.

8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

8.4 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.

Principle of Development

8.5 The policies outlined in paragraph 6.73 of the SPPS and CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the

countryside. The principle of this proposal falls to be assessed against policy CTY 8.

8.6 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 of the justification and amplification text to CTY 8, states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Paragraph 5.33 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.

8.7 Policy allows for an exception to be permitted for the development of a gap site. 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, providing specific elements are met. Namely, the gap site must be sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met.

8.8 The first point in determining whether an "infill" opportunity exists is to identify whether there is a substantial and continuously built up frontage present which for the purpose of the policy "includes a line of three or more buildings along a road frontage without accompanying development to the rear".

8.9 The site to the south west abuts the settlement development limit. To the north east is a two storey dwelling (no 64) set back from the road and screened with mature vegetation. No 66 is road side and 1.5 storey dwelling.

8.10 The preamble to PPS21 states that, for the purposes of that document, the countryside is defined as land lying outside of settlement limits as identified in development plans. While the current proposal is located within the countryside it relies on the existing dwellings No 54 – 56 Coleraine Road and in doing so is reliant on development located within the defined settlement limit of Garvagh. These dwellings do not occupy a rural context in

policy terms and cannot be included when considering development proposals under Policy CTY8.

8.11 In Appeal Ref 2016/A0119 - Adj to Oisin GAA Community Centre for Social and Recreation Complex, 14 Glenvale, Glenariffe. The Commissioner confirmed this approach and stated that the appellant's reliance on buildings within the settlement limit was misplaced as they cannot be considered as part of a continuous and built up frontage in the countryside.

8.12 The proposed site relies only on the No 64 and No 66 to the north of the site and therefore it is not considered to be an infill opportunity located within a line of three or more buildings in the countryside as required to represent a substantial and continuously built up frontage.

8.13 No other arguments were made for a dwelling at this location under CTY 1.

Impact on rural character

8.14 Policy CTY14 of PPS21 states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings or creates or adds to a ribbon of development. The immediate area beyond the Settlement Development Limit is under threat in terms of character and as the proposal does not represent an exception to Policy CTY8 it will result in a suburban style build-up of development.

Archaeology

8.15 The site is adjacent to the recorded site of an enclosure possibly an early medieval settlement enclosure or rath. Below ground archaeological remains associated with the recorded archaeological sites nearby would have the potential to extend within the proposed development area. The agent has submitted an archaeological programme of works and an initial architectural evaluation as required under Policy BH 3 of PPS 6. HED agree with the archaeological evaluation strategy proposed and are content for this to proceed to archaeological licensing.

8.16 However, HED advise that this is only the first step completing an archaeological evaluation and require further works such as a test trench and final report detailing the results of the archaeological investigation to be submitted. The investigative works still required may affect the principle of the development on this site, as the proposal fails on other policy matters it would not be expedient to further hold this application and put the applicant to further expense.

Access

8.17 DFI roads are content with the proposal subject to details being submitted as part of any reserved matters application.

CONCLUSION

9.1 The principle of the proposal is considered to be unacceptable in this countryside location. The proposal does not meet with the policy requirements for an infill site. Furthermore, the site is if approved would result in a suburban style build-up of development add to a ribbon of development. Having regard to the Northern Area Plan, and other material considerations including the SPPS, the proposal fails to meet the principle policy requirements of Policy CTY1 of PPS21 and other policies. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (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 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) 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 the Coleraine Road.

3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy 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 and approved 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.

4. The proposal is contrary to Paragraph 6.10 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy BH 3 of Planning Policy Statement 6, Planning, Archaeology and the Built Heritage in that it has not been demonstrated that there will be no impact from the development on archaeological features.

Site Location