

<b>Planning Committee Report LA01/2017/0167/O</b>	<b>25<sup>th</sup> April 2018</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>App No:</u></b>	<b>LA01/2017/0167/O</b>	<b><u>Ward:</u></b>	<b>LURIGETHAN</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>Land adjacent to 33 Ballyeamon Road, Cushendall.</b>		
<b><u>Proposal:</u></b>	<b>Proposed detached dwelling and domestic garage.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>14.02.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Mr Paul McIlroy 33 Ballyeamon Road, Cushendall</b>		
<b>Agent:</b>	<b>O N, F A and J M Wheeler</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1.0 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.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located at land adjacent to 33 Ballyeamon Road, Cushendall. It comprises the side garden of No. 33 Ballyeamon Road, a detached bungalow. The site is relatively flat, sloping slightly to the stream at the western boundary. The site is irregular in shape with access through a narrow gate and driveway from the Ballyeamon Road. The south eastern boundary is defined by 1m high ranch timber fencing. The south western boundary consists of post and wire fencing and vegetation.
- 2.2 The surrounding area is characterised by dwellings, small farm holdings and associated farm buildings. Dwellings vary in design and size. Dwellings within the area include bungalows, 1 ½ and 2 storey buildings. North of the site is a small farm holding with dwelling and farm building which is accessed off a laneway which runs between Nos. 25 and 33 Ballyeamon Road. The site is approx. 1km west of Cushendall Village. There is a ribbon of residential properties known as Tully Crescent along this section of the Ballyeamon Road. These dwellings have a strong frontage and are generally semi-detached set on long narrow plots with in-curtilage parking.
- 2.3 The site is located within the countryside and the Antrim Coast and Glens AONB.

## **3.0 RELEVANT HISTORY**

- 3.1 No planning history exists on the application site.

## **4.0 THE APPLICATION**

4.1 Outline Planning Permission is sought for proposed detached dwelling and domestic garage.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

None.

### **5.2 Internal:**

DFI Roads: Further Information required.

Environmental Health: No objections.

NI Water: No objections.

Historic Environment Division (Historic Monuments): No objections.

## **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 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**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Antrim Coast and Glens AONB Design Guide

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The application site is located within the countryside and the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).

- 8.2 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, visual impact and rural character, archaeology, access and natural heritage.

### **Principle of Development**

- 8.3 Policy CTY 1 of PPS 21 advises there are a range of types of development which in principle are acceptable in the countryside. This application is considered under both Policy CTY 2a and CTY 8.

### **Policy CTY 2a New dwellings in Existing Clusters**

- 8.4 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*

From the site location plan it would appear that a cluster of properties exists at this location as there are four or more buildings of which 3 are dwellings. A farm dwelling and associated farm building is located north of the site but a farm group can form part of a cluster of buildings associated with other dwellings.

- *The cluster appears as a visual entity in the local landscape*

Although there would appear to be a cluster of dwellings at this location, they are not able to be viewed in connection with one another when travelling along the Ballyeamon Road. Only the roadside dwellings, Nos. 33, 25 & 23 can be viewed together. The other dwellings and buildings are located to the rear of these roadside properties and are screened by existing vegetation. It is not considered that all of these buildings are viewed 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 cluster is not associated with a focal point as there is no church, school, sports club, public house, shop or post office present. The policy does allow for the focal point to be a crossroads however, the site is located along the main Ballyeamon Road. Immediately north of the site are accesses opposite each other leading to farms but these are just laneways.

- *The site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster*

The site is not bounded on at least two sides with development. The only property adjacent to the site is No. 33. The rest of the site is surrounded by agricultural fields.

- *Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alters its existing character, or visually intrude into the open countryside*

A new dwelling at this site could not be achieved without altering the character of the countryside. The location for the proposed dwelling is not considered suitable sitting forward of the existing building line with Nos. 33, 25 & 23. The proposed dwelling would have an inappropriate contextual relationship with these roadside properties and it is not considered to be rounding off and consolidation of an existing cluster.

- *Development would not adversely impact on residential amenity*

Although this is an outline application, a proposed conceptual site layout was submitted showing the location of the dwelling sitting forward of No. 33. The arrangement has possible residential amenity concerns for both the existing dwelling at No. 33 and the proposal. The access is proposed using the existing laneway and to run along the rear on No 33. To provide adequate amenity provision to No 33 a 1.8m high wall will be required to enclose no 33.

- 8.5 Appeal **2016/A0119**, Adj. to Oisín GAA Community Centre for Social and Recreation Complex, 14 Glenvale, Glengariffe, has relevance to this application in consideration of what meets with cluster development.

### **Policy CTY 8 – Ribbon Development**

- 8.6 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.*

- 8.7 The site is located south of Nos. 33, 25 & 23 Ballyeamon Road. These properties have their own accesses and have frontage onto the Ballyeamon Road. West of the site is agricultural fields and then approx. 23 dwellings which front onto the Ballyeamon Road. This section of the Ballyeamon Road is regarded as a substantial and built up frontage given several properties are in succession without development to the rear. Dwellings vary in terms of plot size, design, scale and finish. Dwelling heights range from single storey, 1.5 storey and 2 storey.
- 8.8 The sizes of plots along the Ballyeamon Road vary for example Tully Crescent semi-detached properties occupy long narrow plots differing from other dwellings. Due to this variation these properties have been excluded from calculations in determining average plot frontage. Those included are Nos. 33, 25, 23, 41, 45 & 43 so the average length of frontage is approx. 40m. The site has a frontage of approx. 36m wide.
- 8.9 The distance between No. 33 and 41 is approx. 120m building to building. The proposal is contrary to policy because this is

not perceived as a small gap able to achieve a maximum of 2 houses. A total of 3 houses could be accommodated. Furthermore, if a dwelling was approved at the application site, it would allow further infill opportunities, by reducing the gap in built development, in the agricultural field adjacent. The proposal would create and add to a ribbon of development. The proposal is not considered to respect the existing development pattern along the frontage in terms of siting and plot size.

8.10 Appeal Ref: **2016/A0120** Adjacent to 89 Glenstall Road, Macfin, Ballymoney, sets out the policy test for infill sites and the measurement from building to building which is relevant to this application.

8.11 When travelling the Ballyeamon Road in a western direction, Nos. 23, 25 & 33 can be viewed together. Significant mature trees along the roadside boundary restricts further views along this road. Beyond this boundary treatment the large gap (green field) and No. 41 comes into vision. The properties beyond this at Tully Crescent only become apparent when adjacent to No. 41. When travelling the opposite direction (east), the grouping of properties at Tully Crescent are viewed together, then the visual gap and Nos. 33, 25 & 23 are screened from view until beyond the dense boundary treatments. The gap between No. 41 and No. 33 is perceived to be large providing a visual break from development in the countryside.

### **Integration and Rural Character**

8.12 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design and where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

8.13 Views of the proposed dwelling would be limited when travelling east towards Cushendall due to screening provided from the existing boundary treatment. Views when travelling west would be more apparent although fleeting. Although a dwelling at this location could potentially integrate due to good boundary treatment and enclosure with sufficient backdrop, the principle



of development at this site is unacceptable in light of the assessment above.

- 8.14 A dwelling on this site at the proposed location is not considered to blend unobtrusively with its immediate surroundings due to the breach in building line with Nos. 33, 25 & 23 resulting in a prominent site.
- 8.15 The proposal if permitted would add to a ribbon of development along the Ballyeamon Road resulting in a suburban style build-up of development. It does not respect the traditional pattern of settlement in the area. The majority of dwellings occupy rectangular plots of varying widths and respect building lines. The proposed site seeks to fit in a new dwelling in a triangular shaped plot (subdivision) which is not characteristic of the area. It is not considered to integrate sensitively with neighbouring properties. Therefore the proposal is considered contrary to CTY 14 of PPS 21 as it will cause a detrimental change to further erode the rural character of the countryside.

### **Archaeology**

- 8.16 The site is located within an archaeological buffer zone so consultation occurred with HED: Historic Monuments. Their response indicated no archaeological objection. Therefore, the proposal complies with Policy BH 2 of PPS 6.

### **Access**

- 8.17 This planning policy relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It is an important consideration in terms of the integration of transport and land use planning. DFI Roads was consulted in relation to this application and the latest plans submitted 7/3/18. As the principle is considered unacceptable it was not considered expedient to hold this application further and an Addendum will follow once the DFI Roads consultation response has been received.

### **Natural Heritage – Areas of Outstanding Natural Beauty**

8.18 Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. The proposal as considered above fails to satisfy policy requirements in particular CTY 2a, 8, & 14 of PPS 21. It is considered to have a detrimental impact upon the character and appearance of this designated AONB given the siting for a dwelling is not sympathetic or appropriate in this context.

## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 2a and CTY 8 of PPS 21 in that the dwelling is not located within a cluster of development or within a small gap within a substantial and built up frontage. Refusal is recommended.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the SPPS 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 bullet point 5 of the SPPS and Policy CTY 8 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal, if permitted, would create and add to a ribbon of development.
3. The proposal is contrary to Paragraph 6.73 bullet point 1 of the SPPS and Policy CTY 2a of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the cluster, does not appear as a visual entity and is not associated with a focal point or is located at a cross-roads. The development site, is not bounded on at least two sides with other development; cannot be absorbed through rounding off and consolidation and will alter the character of the area; and will adversely impact on residential amenity.

4. The proposal is contrary to Paragraph 6.70 of the SPPS and Policies CTY 8 and CTY 14 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, be prominent due to inappropriate siting; not respect the traditional pattern of settlement; add to a ribbon of development along Ballyeamon Road resulting in a suburban style build-up of development; and cause a detrimental change to further erode the rural character of the countryside.
5. The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2 “Natural Heritage” in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.
6. The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 “Access, Movement and Parking” and Development Control Advice Note 15 due to insufficient information on submitted plans allowing DFI Roads to make a determination.

#### Site Location Map

