

Planning Committee Report LA01/2017/0555/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

<u>No:</u>	LA01/2017/0555/O	<u>Ward:</u> MACOSQUIN
<u>App Type:</u>	Outline Planning	
<u>Address:</u>	Site between 38 and 40 Ringrash Road Macosquin, Coleraine.	
<u>Proposal:</u>	Proposed site for dwelling at an existing cluster under CTY2a of Planning Policy Statement 21.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 04.05.17
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	Moore Design	
<u>Applicant:</u>	Mrs E McClements, 38 Ringrash Road, Macosquin, Coleraine	
<u>Objections:</u> 2	<u>Petitions of Objection:</u> 0	
<u>Support:</u> 0	<u>Petitions of Support:</u> 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 site itself consists of part of the side garden to no 38 and also part of the front pasture field. The land rises gently up from roadside to the site. The site is undefined to the eastern boundary within the field, and has hedging to the western boundary with the rear lane, hedging to the north and hedging and trees to the north eastern boundary. The site is beside No. 38 accessed via its own farm lane. It is also positioned beside No. 44a and No. 40 which are accessed via their own separate laneway to Ringrash Road. The application site incorporates a new access through a roadside pasture field running parallel to an existing laneway serving No. 38 Ringrash Road.
- 2.2 The site is located within the rural area as defined within the Northern Area Plan. The character of the area is built up with houses at roadside and set back up lanes.

3 RELEVANT HISTORY

There is no relevant history.

4 THE APPLICATION

- 4.1 Planning permission is sought for a dwelling under Policy CTY 2a.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There are 2 letters of objection to the proposal from 1 objector. The reasons for objecting are summarised below:

- Right of way for access dispute and easement dispute for underground pipes.
- Traffic concerns.
- Did not receive neighbour notification.

5.2 Internal

Transport NI: Require visibility splays and forward sight distance shown accurately on plan.

NI Water: No objection.

NIEA Drainage and Water: No objection.

Environmental Health: No objection subject to informatives.

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 3 Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

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

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the proposed development; access; other matters.

Principle of development

- 8.2 The site is located within the rural area as defined by Northern Area Plan 2016.
- 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 aim of the SPPS in relation to new dwellings in existing clusters is set out under paragraph 6.73. The proposal must be in a visual entity and must be associated with a focal point and not significantly alter the existing character.

- 8.5 PPS 21 is the policy for determining this type of application and it set outs the policy basis for development in the countryside stating that 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. Policy CTY 1 of PPS 21 goes on to say that planning permission will be granted for an individual dwelling house in the countryside where a dwelling is sited within an existing cluster of buildings in accordance with Policy CTY 2a.
- 8.6 CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all criteria are met. Under the third criteria listed the cluster must be associated with a focal point such as a social / community building/facility, or is located at a cross-roads.
- 8.7 The site may be sited beside a cluster of houses however the cluster is not a visual entity and neither associated with a focal point such as a social / community building/ facility, nor is located at a cross-roads. Most of the buildings in the cluster are dwellings, due to the topography, set back from the main road and vegetation the dwellings do not form a visual entity. The agent states in a submission that the focal point is Learden Crescent, however this is not a focal point as described in policy above, but rather a ribbon of dwellings on the roadside. The policy clearly states that the cluster must be associated with a focal point and lists what a focal point is. There are no social /community buildings, facilities and the road is relatively straight with a bend close to the entrance to the site. There are no crossroads near the cluster. Therefore the proposal fails this test of policy and must be refused.
- 8.8 As the original P1 form stated the proposal was for an infill dwelling Policy CTY 8 of PPS 21 is also taken into account. The site is not part of a substantial and built up frontage. Although there are other buildings located along this stretch of road, the neighbouring buildings do not all share a common frontage with the site. The buildings neighbouring the site do not have a common frontage as they are mostly located down a separate neighbouring laneway which only serves Nos 38a, 40, 42, 44a & 44 and therefore share a frontage on their own lane separate from the proposed site. The site itself has its own proposed access adjacent to the laneway to No. 38. No 38 is set back

from the road with the adjacent proposed site beside it and they do not share a common frontage with any other houses due to the large pasture field in front. This is not sufficient for the purposes of this policy. There needs to be a line of 3 or more buildings along a road or lane frontage. Therefore without the common frontage the proposal fails the test of CTY 8 and must be refused.

Access

- 8.9 DFI roads have been consulted as a competent authority. Policy AMP 2 Access Roads is the appropriate policy. It states under the first criteria that planning permission will only be granted for a development proposal involving direct access where such access will not prejudice road safety or significantly inconvenience the flow of traffic. It goes further under paragraph 5.15 to state that good visibility is essential for safety and convenience of all road users. It is expected that applicants will have control over the land required to provide the requisite visibility splays. In this instance DFI require the accurate detail on the site location plan, in terms of visibility splays and forward sight distance. The accurate details have not been shown on the submitted plan and therefore this will prejudice road safety. Therefore the proposal does not meet this test of Policy AMP 2.

Other Matters

- 8.10 As documented at paragraph 5.1 there are a number of objection issues. The applicant has been asked to confirm that the land ownership certificate is correct. This has been confirmed. Issues of land ownership and easements are a civil matter between the parties involved and not a planning matter.
- 8.11 In relation to the neighbourhood notification process. The objector was not notified as the property did not meet the criteria set out in legislation Article 8 (2) of the Planning (General Development Procedure) Order (NI) 2015, as being an occupier of premises which directly adjoin the site. There is a field between the site and the objector's property and therefore it did not qualify for neighbour notification.

9.0 CONCLUSION

9.1 This proposal is contrary to PPS 21 and the SPPS. Although the proposed site may sit within or beside an existing cluster, this cluster does not have a focal point as required by Policy CTY 2a of PPS 21. This is reinforced by the SPPS which states that the proposal must be associated with a focal point. In addition the proposal fails CTY 8 of PPS 21 as the proposal does not share a common frontage with neighbouring buildings. As this proposal fails to meet the relevant policies, refusal is recommended.

10 Refusal Reasons:

10.1 The proposal is contrary to paragraphs 6.73 of the Strategic Planning Policy Statement and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads.

10.2 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not share a common frontage with neighbouring buildings.

10.3 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.

