

<b>Planning Committee Report LA01/2017/0857/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>No:</u></b>	<b>LA01/2017/0857/O</b>	<b><u>Ward:</u></b>	<b>KINBANE</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>		
<b><u>Address:</u></b>	<b>25m North East of 59 Ballinlea Road Ballinlea Lower Ballycastle</b>		
<b><u>Proposal:</u></b>	<b>Proposed Site for new dwelling and garage</b>		
<b><u>Con Area:</u></b>	<b>No</b>	<b><u>Valid Date:</u></b>	<b>05.07.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/a</b>		
<b><u>Agent:</u></b>	<b>W M McNeill, 30 Knowehead Road, Broughshane, Ballymena</b>		
<b><u>Applicant:</u></b>	<b>Mr U Kane, 31 Legavara Road, Ballintoy, Ballycastle</b>		
<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>

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 refusal reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located 25m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle. The site is rectangular in shape and comprises part of a larger area which is covered in hardcore and overgrown with vegetation. There is no information regarding the previous use. The site is relatively flat. Access to this field is from Ballinlea Road via metal gates. The NE boundary is formed by trees/vegetation and a post and wire fence. The SE boundary consists of trees/vegetation along the roadside. The SW and NW boundaries are undefined. Immediately north east of the site is a triangular plot which has foundations in place for a dwelling and south of the site are various residential dwellings. A total of 6 separate applications for dwellings have been submitted simultaneously all adjacent to each other covering the entire field area.
- 2.2 South of the site on the Ballinlea Road there are a number of dwellings, the majority of which are bungalows. The Parochial House, Chapel and graveyard are located to the north. Residential dwellings are set in their own plots with accesses/driveways resulting in off-street parking.
- 2.3 The site is located within the rural remainder as designated in NAP 2016.

## 3 RELEVANT HISTORY

E/2004/0509/O

Site No. 1 approx 40m north of Ballinlea Road, Ballinlea Lower, Ballycastle. Erection of new dwelling.

Approved 26.1.2005

E/2007/0301/RM

Site No. 1 approx 40m north of Ballinlea Road, Ballinlea Lower, Ballycastle. Erection of new dwelling.

Approved 07.02.2008

E/2004/0510/O

Site No. 2 adjacent to 59 Ballinlea Road, Ballinlea Lower, Ballycastle: Erection of new dwelling

Approved 26.01.2005

E/2007/0304/RM

Site No. 2 adjacent to 59 Ballinlea Road, Ballinlea Lower, Ballycastle: Erection of new dwelling

Approved 07.03.2018

E/2004/0511/O

Site No. 3, NW of 59 Ballinlea Road, Ballinlea Lower, Ballycastle: Erection of new dwelling

Approved 26.01.2005

E/2007/0303/RM

Site No. 3, NW of 59 Ballinlea Road, Ballinlea Lower, Ballycastle: Erection of new dwelling

Approval 7.02.2008

E/2004/0152/O

Adjacent to St. Marys Church Graveyard, Ballinlea Road, Bushmills: Proposed 1½ storey dwelling

Approval 20.01.2005

E/2008/0018/RM

Adjacent to St. Marys Church Graveyard, Ballinlea Road, Bushmills: Proposed 1½ storey dwelling

Approval 27.11.2008

E/2002/0427/F: Adj to 59 Ballinlea Road, Ballycastle: New dwelling & garage

Approval 25.10.2003

Current applications under consideration simultaneously with this application include

LA01/2017/0858/O, LA01/2017/0859/O, LA01/2017/0860/O, LA01/2017/0861/O. LA01/2017/0862/O.

## **4 THE APPLICATION**

4.1 Outline planning permission is sought for a new dwelling and garage.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

None

### **5.2 Internal**

Environmental Health Department: No objections.

NI Water: No objections

DFI Roads: Require further information.

DAERA Regulation Unit, Land and Groundwater Team: Require further information.

DAERA Water Management Team: No objection.

Rivers Agency: Further information required.

## **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 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)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 15: Planning and Flood Risk

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relates to: the principle of development; integration; rural character; flood risk; and access.

### **Principle of Development**

- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents before mentioned.
- 8.3 The SPPS allows for a number of circumstances for a dwelling in the countryside which are discussed below.
- 8.4 The agent refers to the previous use of land and the previous planning history as material considerations. The agent states that the previous use of the land was as a builder’s yard and that the site is brownfield land. This is not a brownfield site. As defined in the RDS brownfield sites are underused/ vacant sites within settlement development limits. This site is with the countryside and Planning Policy Statement 21 is the relevant policy.

- 8.5 The previous planning history as set out in section 3 of the Planning Committee report has expired. These applications were approved under previous planning policies that no longer exist.
- 8.6 PPS 21 sets out the planning policies for development in the countryside. Policy CTY1 of PPS21 outlines the types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
- 8.7 This proposal is considered under Policies CTY 2, CTY2a and CTY 8. Policy CTY 2 relates to dwellings within dispersed rural communities. Policy CTY 2a is for a dwelling sited within an existing cluster of buildings. CTY 8 is for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.
- 8.8 The agent also discusses the need for such houses in the rural area. Policy CTY 5 of PPS 21 is not pertinent to the application as this policy relates only to applications made by a registered Housing Association where a demonstrable need has been identified by the NIHE. Housing provision in the rural area can be explored through the development plan process and in particular the housing needs strategy.

#### CTY 2 – Development in Dispersed Rural Communities

- 8.9 Within a Dispersed Rural Community, designated in a development plan, planning permission will be granted for suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point.
- 8.10 There are no Dispersed Rural Communities designated in the NAP 2016. Therefore this policy is not applicable.

#### CTY 2a – New Dwellings in Existing Clusters

- 8.11 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*

There are a total of 14 dwellings grouped south of this site with some fronting onto the roadside and others located set back.

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

This group of dwellings in particular those fronting onto the Ballinlea Road are viewed together when travelling both directions along the Ballinlea Road. It is considered these buildings form a cluster due to their positioning in relation to each other. It is 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 located at a cross-roads. There is a chapel, graveyard and Parochial House located north west of the site along the Ballinlea Road. However, when travelling along the Ballinlea Road the cluster of dwellings is not viewed in connection with these buildings due to separation distances; the curvature of the road; and the dense trees/vegetation along field boundaries restricting long distance views. It is considered the cluster of dwellings is not associated with this focal point and do not read together as a visual entity.

- *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. No dwellings are adjacent to this site. Immediately north of the site is a plot of land with foundations. This particular site would have some enclosure due to the presence of trees/vegetation along two boundaries.

- *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 of this site is separated from the cluster of dwellings as the plot of No. 59 is approx. 30m away. On this basis the proposal 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 and garage. No existing dwellings are located adjacent to the application site. Foundations are present north of the site so any potential overlooking or overshadowing concerns to any future dwelling would require consideration, good design could alleviate potential issues. It is not considered a dwelling at this location would harm residential amenity.

Combination of 6 dwellings under Policy CTY 2a

8.12 This application is one of six submitted for a larger plot of land. To assess all 6 applications together, the proposal still fails to meet with Policy CTY 2a. The cluster is not visually associated with a focal point or is located at a cross-roads. The larger site would be bound with development along the SE and SW boundaries with Nos. 58 and 59 respectively. These dwellings only bound a small proportion of the SE and SW boundaries of the total site so it is not regarded as meeting this particular criteria. The proposed development is not considered to be rounding off and consolidation as it occupies a large site and is for 6 dwellings therefore resulting in the existing cluster visually intruding into the countryside. No other case has been provided for the provision of 6 dwellings at this location. It is not a Dispersed Rural Community (CTY 2) or for the provision of social and affordable housing (CTY 5).

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

**Appeal 2017/A0113**, Adjacent to 33 Gaults Road, Cushendall, has relevance to this application and the visual linkage with the focal point.

CTY 8 – Ribbon Development

8.14 Planning permission will be refused for a building which creates or adds to a ribbon of development.

8.15 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.

- 8.16 The site is located north of No. 59 Ballinlea Road and south of a triangular plot containing foundations for a dwelling. There are a number of dwellings with their own accesses fronting onto the Ballinlea Road so this section is regarded as a substantial and built up frontage. Dwellings vary in terms of plot size, design, scale and finish. Dwelling heights range from single storey, 1.5 storey and 2 storey.
- 8.17 Nos. 63, 61, 59c, 59b, 59a, 59 front onto the Ballinlea Road south of the site so the average length of frontage is approx. 20.8m. No 59 has an uncommonly large frontage. However, this has been used to provide an average frontage length characteristic to the locality. To the north east, the foundations of an approved dwelling have been developed. The overall gap between this plot of land and the plot of No. 59 is approx. 60m. The distance between the actual dwelling (No. 59) and these foundations is approx. 80m building to building.
- 8.18 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 or 4 houses could be accommodated. If a dwelling was approved at the application site, it would allow an infill opportunity to the south as the frontage of 40m would remain allowing 2 houses to be accommodated. 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.
- 8.19 **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.

### **Policy CTY 13 – Integration**

- 8.20 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design.

8.21 The larger field is bound by vegetation/trees and helps to provide a backdrop for the proposed dwelling albeit the immediate NW boundary of the site is undefined. A new dwelling at this location is not regarded as being a prominent feature in the landscape given the flat nature of the land and the short range views available. When travelling south along the Ballinlea Road, the new dwelling would be partially screened by the existing trees/vegetation along the NE site boundary provided retention and from the boundary vegetation relating to other plots of land adjacent. When travelling north along the Ballinlea Road views of the new dwelling would be screened by other development fronting onto this road as well as from vegetation forming the northern boundary of the plot for No. 59. The Ballinlea Road is characterised by several bungalows fronting onto the roadside which can be viewed easily so the presence of an additional dwelling at the site would not be considered a prominent feature in the landscape.

8.22 A new access for the dwelling is proposed onto the Ballinlea Road. Following discussion with DFI Roads, all of the boundary vegetation will require removal to achieve the necessary visibility splays. Ancillary works will not integrate with their surroundings. Considering all of the boundary vegetation along the road frontage will be removed this will open up views of the site and fail to provide suitable enclosure for new development. There will be a reliance on new landscaping for the NW, SW and SE site boundaries to achieve satisfactory integration.

#### Combination of 6 dwellings

8.23 To consider the 6 applications submitted together as a residential development it is contrary to Policy CTY 13 as the dwellings would not visually integrate into the surrounding landscape and the ancillary works entail removing all of the roadside boundary vegetation opening up views of the development detrimental to the character of the countryside.

### **Rural Character**

8.24 Permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

8.25 The proposal is not considered to be unduly prominent in the landscape as considered under Policy CTY 13. Ballinlea Road has 7 dwellings fronting onto the roadside with 5 dwellings located behind so there is considerable built form along this particular section. The proposal will create and add to a ribbon of development which is detrimental to rural character. It will further contribute to build up given the number of dwellings already present at this location. The proposal respects the traditional pattern of settlement to a certain extent as it is similar in size to other plots along Ballinlea Road and of similar disposition. Ancillary works include an access onto the Ballinlea Road for this dwelling and although this arrangement is typical of the area it will result in the removal of boundary trees/vegetation opening up the site to the detriment of the area. This will draw attention to new development and when read in conjunction with the other existing accesses along this stretch of road will have a combined impact damaging rural character.

Combination of 6 dwellings

8.26 In considering the 6 applications together as a residential development this would be contrary to Policy CTY 14 as it would result in a build-up of development when viewed with existing and approved buildings. The development fails to respect the traditional pattern of settlement as housing developments are not prevalent in this area. It is acknowledged a development was approved for Nos. 59a-f but these were approved under previous and now defunct planning policies. The 6 dwellings would add to a ribbon of development as assessed above under Policy CTY 8. The impact of ancillary works would damage rural character due to 3 accesses being proposed along the Ballinlea Road to facilitate this development resulting in the removal of all boundary trees/vegetation to achieve visibility splays detrimental to the countryside.

## **Flood Risk**

8.27 Consultation occurred with Rivers Agency who advised an undesignated watercourse flows along the northern boundary of the site. A 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. Given the principle of development was unacceptable, amendments were not sought from the agent to address these comments.

8.28 Rivers Agency has determined there will be a collective increase of hard surfacing exceeding 1000m<sup>2</sup> if all 6 applications are considered collectively and if so a Drainage Assessment is required. If each application is determined individually then Policy FLD 3 does not apply. As the principle of development is unacceptable, a Drainage Assessment was not requested.

### **Access and Movement**

8.29 DFI Roads were consulted in relation to this application and have requested an amended site location plan and concept statement addressing all issues detailed. This information was not requested from the agent given the principle of development was unacceptable.

### **Other matters**

3.30 DAERA Regulation Unit (Land and Groundwater Team) note that previous uses of the application sites may have caused the land to be affected by contamination. DAERA require further environmental information for redevelopment of the site including a comprehensive risk assessment. In the absence of such information DAERA is unable to advise on whether this development would have significant adverse impacts on the water environment.

## **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 principle of the proposed dwelling is not acceptable at this location. The proposed dwelling would add to a ribbon of development and have a detrimental impact on the character of the rural area. Also, the proposal in combination with the 5 related applications should be considered through the development plan process, in particular the housing needs strategy. Refusal is recommended.

## **10 Refusal reasons**

10.1 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.

- 10.2 The proposal is contrary to Policy CTY 2 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal is not within a Dispersed Rural Community designated in the NAP 2016.
- 10.3 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 is not within a substantial and built up frontage nor does it comprise a small gap site and if permitted, would not respect the existing pattern of development along the road frontage. The proposal, if permitted, would create and add to a ribbon of development.
- 10.4 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 is not visually 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.
- 10.5 The proposal is contrary to Paragraph 6.70 of the SPPS and Policies CTY 8, CTY 13 and CTY 14 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal fails to provide a suitable degree of enclosure and would, if permitted, add to a ribbon of development along the Ballinlea Road resulting in a suburban style build-up of development with unacceptable ancillary works causing a detrimental change to further erode the rural character of the countryside.
- 10.6 The applicant has failed to demonstrate that the proposal would not impede the operational effectiveness of flood defence and drainage infrastructure and not result in development and surface water flood risk in accordance with paragraphs 6.123 and 6.114 of the SPPS and Policies FLD 2 and FLD 3 of Planning Policy Statement 15 “Planning and Flood Risk” due to insufficient information.
- 10.7 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.

10.8 The applicant has failed to demonstrate that the proposal would not have significant adverse impacts on the water environment as the application site may be affected by contamination in accordance with paragraph 4.12 of the SPPS due to insufficient environmental information.

